

Lynnwood Planning Commission
Meeting of July 24, 2003

Staff Report

Agenda Item: E - 1

Development Regulations – Residential Zones

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

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BACKGROUND:

The Planning Commission has held several work sessions to review staff proposed amendments to LMC Chapter 21.42, Residential Zones. While the rewriting and review process on this Chapter is not complete, there is reason to hold a public hearing at this time on part of the proposed amendments. The Commission has recommended a new SF-3 High Density Single-family Comprehensive Plan designation to the City Council. The Council has scheduled July 21st as the date for review of the Plan amendments including the SF-3 designation. A draft of the RSH zone that implements the SF-3 designation has been included in the City Council review materials. By holding a public hearing on the proposal on July 24th the Planning Commission will be ready to act and pass on a formal recommendation to the City Council expeditiously should the SF-3 designation receive favorable review.

There is an additional residential amendment proposal that is being included in this public hearing. Due to the cancellation of the July 10, 2003 Planning Commission meeting staff has not briefed the Commission on this second amendment. However, staff believes that it is desirable to subject this amendment to public hearing at the same time so that it may be possible to keep it on the same review and recommendation time schedule as the RSH zone. The second amendment deals with separating the existing Chapter 21.42 containing regulations for both single-family and multiple-family uses into separate chapters by type of use. Having separate chapters on single-family and multiple-family will make it clear what regulations apply to each type of housing. Early approval of this separation by the City Council will make the subsequent process easier to deal with.

SUMMARY OF AMENDMENTS:

Amendment 1 – New RSH zone. This proposed amendment would create a new high-density single-family zone with a minimum lot size of 4,000 square feet per dwelling unit. The use of the RSH, Residential Single-family High (density), title for this zone suggests for consistency that the two other single-family zones should be

renamed. The RS-8 zone is proposed to become the RSL zone (Residential Single-family Low density). The RS-7 zone is proposed to become the RSM zone (Residential Single-family Medium density). With these changes in zone nomenclature, the single-family zones will use nomenclature consistent with the multiple-family zones: RSL, RSM, RSH, RML, RMM, and RMH.

Amendment 2 – Separate Chapters. Chapter 21.42 as currently organized contains regulations for both single-family and multiple-family housing types. Some of the regulations apply to both housing types and some apply to only one of the housing types. This combination contributes to confusion and complicates administration of the regulations. A simple solution is to have separate chapters for each housing type. The attached amendment proposals show Chapter 21.42 converted to the single-family only chapter by deletion of all the regulations that apply only to multiple-family housing. There is a new Chapter 21.43 shown by renaming Chapter 21.42 and deleting all regulations that apply only to single-family housing.

RECOMMENDATION:

Take public testimony on the proposed amendments to LMC Chapter 21.42. Close the hearing. Deliberate and decide whether the Planning Commission is ready to act on making recommendation to the City Council on the proposed amendments.

ATTACHMENTS:

- Addition of new RSH zone to Chapter 21.42.
- Amendment of Chapter 21.42 to be single-family only.
- Creation of new Chapter 21.43 for multiple-family only.

**Chapter 21.42
RESIDENTIAL ZONES**

Sections:

- 21.42.050** **Zones and purposes.**
- 21.42.100** **Uses allowed in residential zones.**
- 21.42.105** **Project design review.**
- 21.42.110** **Limitations on use.**
- 21.42.140** **Repealed.**
- 21.42.200** **Development standards.**
- 21.42.210** **Additional development standards.**
- 21.42.220** **Transition or buffer strips.**
- 21.42.230** **Other transitional requirements.**
- 21.42.240** **Standards for uses allowed in single-family residential zones when located in multiple-family zones.**
- 21.42.250** **Development standards for park facilities.**
- 21.42.300** **Home occupations.**
- 21.42.400** **Accessory structures and uses.**
- 21.42.420** **Placement of accessory buildings and structures – Interior lots.**
- 21.42.440** **Placement of accessory buildings and structures – Corner and reverse corner lots.**
- 21.42.500** **Signs.**
- 21.42.900** **Other regulations.**

21.42.050 **Zones and purposes.**

The residential zones are intended to provide for a wide range of housing densities and styles consistent with contemporary building and living standards. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

21.42.100 **Uses allowed in residential zones.**

See Table 21.42.01 for use restrictions in residential zones.

Table 21.42.01

Use	RS-8L	RS-7M	RSH	RML	RMM	RMH
Single-Family Dwellings (one per lot)	P	P	P	P	P	P
Two-Family Dwellings	-	-	-	P	P	P
Multiple-Family Dwellings	-	-	-	P	P	P
Adult Family Homes	P	P	P	P	P	P
Accessory Dwelling Unit+	ASF	ASF	-	-	-	-
Agricultural and Horticultural Activities, including plant nurseries+	C	C	C	C	C	C
Boarding Houses+	-	-	-	P	P	P
Child Day-Care Centers+	C*	C*	C*	C	C	C
Churches	C	C	C	C	C	C
Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and group housing for any other legal purpose, but not including hospitals or mental hospitals	-	-	-	C	C	C

Expansion or Extension of an Existing College	-	-	-	C	C	C	
Hospitals and Nursing Homes	-	-	-	-	-	P	
Hotels (including incidental commercial facilities which are internally oriented to server overnight guests)	-	-	-	-	-	-	
Manufactured Home Developments and Designed Manufactured Homes+	P	P	P	P	P	P	
Mini-Day-Care Programs	-	-	C	P	P	P	
Office Uses+	-	-	-	C	C	C	
Park and Pool Lots+	C**	C**	C**	C	C	C	
Professional and Business Offices	-	-	-	-	-	-	
Public Parks	P	P	P	P	P	P	
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards+	C	C	C	C	C	C	
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C	C	C	C	
Wireless Communications Facility Attached (not permitted on residential structures)	P	P	P	P	P	P	

* Only as an accessory to a school or church.

** Only on properties with street frontage along streets designated as arterials.

+See LMC 21.42.110.

Key:

- ASF = Allowed as an accessory use to a single-family residence.
- P = Use is permitted as a primary use; see LMC 21.42.300 regarding home occupations.
- C = The use may be permitted through issuance of a conditional use permit.
- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

21.42.105 Project design review.

A. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

B. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet, permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design

Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

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

E. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 12, 2003; Ord. 2388 § 16, 2001)

21.42.110 Limitations on use.

A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries, must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit.

B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;

3. A site development plan shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;

4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;

6. That the applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified it may be approved by the city;

7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

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

C. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an application for such a use, the hearing examiner shall review all impacts of the proposed use upon the surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls, noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In single-family zones, park and pool lots should not be the principal use of a property, but an accessory use to a permitted or conditional use in that zone.

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

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

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

D. Child Day-Care Centers.

1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the hearing examiner and city council will consider the need for the activity in the area and all possible impacts in the area including but not limited to the following:

- a. Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- b. Any abnormal increase in demand for any public service, facility or utility;
- c. The size, location, and access of the proposed site; and
- d. Any adverse effects on the standard of livability to the surrounding area.

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for;
- g. See LMC 21.16.290(A) for sign regulations.

E. Manufactured Home Developments. Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.

F. Two-Family Dwellings and Multiple-Dwelling Units. In RML, RMM, and RMH zones, if there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd-numbered unit which may stand alone.

G. Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and Group Housing for Any Other Legal Purpose but Not Including Hospitals or Mental Hospitals.

1. Number of Residents. The number of persons who will be residing in the property shall

be generally consistent with the potential density of persons as would be expected from multiple dwelling units. Except that, the maximum number of units for housing for the elderly and handicapped shall be no greater than 1.5 times the number of units which would be allowed for multiple-family housing within the respective zone; provided, that the maximum population does not exceed 1.2 persons per dwelling unit. If the density exceeds 1.2 per dwelling unit, then the number of dwelling units shall be reduced correspondingly.

2. Impact on Surrounding Area. The allowing of the proposed use shall not adversely affect the surrounding area as to present use or character of the future development.

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

a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, and design measures to minimize incompatibility between the proposal and surrounding businesses;

b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

e. Restriction to such intended use except by revision through a subsequent conditional use permit.

4. Open Space. A minimum of 200 square feet of passive recreation and/or open space shall be provided. Housing for the elderly has a need for recreational open space but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

H. Office Uses. The intended uses shall comply with the following minimum standards:

1. No portion of the building in which the offices are permitted shall be occupied as a residence;

2. The office use shall be generally professional in nature, which use shall include but not be limited to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors, engineers, land surveyors, and opticians; provided, accessory retail uses may be allowed only if closely related to the principal uses of the building, such as pharmacies in medical buildings, and must be specified in the conditional use permit. When allowed, such retail uses shall be internally oriented, with external advertising identical to the professional offices and compliance with the conditional use permit;

3. See LMC 21.16.290(G) for sign regulations;

4. The uses shall be of a type unlikely to be open evenings or weekends and unlikely to

generate large volumes of traffic;

5. In considering the intended use, location of the building in proximity to existing multiple- or single-family residential uses, a determination shall be made that the proposed use would not be detrimental to such existing residential uses.

I. Hospitals and Nursing Homes.

1. Setbacks. All buildings maintain a distance of not less than 35 feet from any single-family residential zone;

2. Occupancy. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto;

3. Health Department Approval. The health department shall have approved all provisions for drainage and sanitation.

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

K. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this section.

1. Purposes. Regulating the development and use of accessory dwelling units is intended to achieve the following purposes:

a. Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single-family residence;

b. Create additional affordable housing in Lynnwood;

c. Allow a property owner to continue to reside in a neighborhood after a lifestyle change, in particular, by having the opportunity to receive rental income;

d. Develop housing that is appropriate to smaller households; and

e. Protect neighborhood stability, property values, and the appearance and character of single-family neighborhoods by regulating the installation and use of accessory dwelling units.

2. Permitted Zones. Accessory dwelling units shall be permitted in the R-7SM and R-8 SL zones; provided, that an accessory dwelling unit may be permitted only on a premises that already contains a primary residence.

3. Minimum Lot Size. Accessory dwelling units shall be allowed only at a premises with a lot area of at least 10,000 square feet.

4. Number. A maximum of one accessory dwelling unit shall be permitted on a single-family premises.

5. Location in Relation to Principal Residence. The accessory dwelling unit may be within the principal residence, or it may be connected to it by the foundation, floor, walls, ceiling, and roof; connection by means of a breezeway or other partially open structure shall not fulfill this requirement.

The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion. Any new construction for the accessory unit may not be located in front of (i.e., closer to the front property line than) the existing structure.

6. Development Standards. Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including requirements of the building code.

7. Size. The accessory dwelling unit shall have a gross floor area of not less than 500 square feet and not more than 700 square feet. It shall have not more than one bedroom.

8. Design. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. At a minimum, the plans for the unit should conform to the following guideline:

Any new exterior construction associated with creating an accessory dwelling unit should match the existing exterior materials and design of the principal residence, and the pitch of any

new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.

9. Entrance Location. The entrance(s) to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence.

10. Parking. Two off-street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the main residence. They shall be paved in conformance with standard city requirements. These parking spaces may be located in a garage, carport, or in an off-street area reserved for vehicle parking. These parking spaces may not be located in tandem with parking spaces for the principal unit. These parking spaces may not encroach into any portion of a public or private street right-of-way (including any landscaped portion).

11. Accessibility. In order to encourage the development of housing units for people with disabilities, the community development director may allow reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes. Such deviations may be considered as part of the accessory dwelling unit permit (see below).

12. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the principal unit or the accessory dwelling unit as their permanent residence for at least six months of each calendar year. Owners shall sign and record with the county an affidavit in a form acceptable to the city attesting to their occupancy. At no time may the property owner receive rent for whichever unit is owner occupied.

13. Maximum Occupancy. No more than two persons may live in an accessory dwelling unit.

14. Permitting. No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee. The property owner shall submit an application for an accessory dwelling unit permit to the community development director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in LMC 2.23.120; and such other information as the community development director may require in order to determine whether the application conforms with city requirements.

b. Action. After determining that the application is complete, the community development director shall approve the application and issue an accessory dwelling unit permit if he/she finds that the application conforms with the requirements of this section and other applicable sections of the municipal code.

c. Validity. Any permit issued pursuant to this section shall be issued only to the property owner and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser. Such permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the accessory dwelling unit as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the community development director. The community development director shall renew any permit under this subsection if he/she finds that the accessory dwelling unit complies with all provisions of this section.

d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may be granted by the community development director, upon written request by both the tenant and

the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.

e. Recording. The permit, and any other forms required by the community development director, shall be recorded by the property owner with the county to indicate the presence of the accessory dwelling unit, the requirement of owner-occupancy, and any other standards or requirements for maintaining the unit as a separate dwelling unit. Any permit approved under this section shall not be effective until evidence of recordation is presented to the community development director.

f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.

g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.

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

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

16. Home Occupations. A home occupation may not be conducted in the accessory dwelling unit.

17. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit, subject to this subsection.

a. Time Limit. An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the community development department within 18 months of the effective date of the ordinance codified in this chapter.

b. Construction Codes Compliance. Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the city of Lynnwood (or the county of Snohomish if the property was not part of the city at the time of construction) and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the community development department.

c. Development and Use Standards. Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.

L. Colleges. The extension or expansion of a college, not including a private training college (e.g., a beauty school, business college or technical training facility), may be allowed in the RML, RMM, or RMH zones by approval of a conditional use permit.

1. Decision Criteria. In addition to the criteria in Chapter 21.24 LMC, an application for a conditional use permit under this subsection may be approved only if it is found that:

a. The central functions of the college (e.g., college-wide administration and services for the entire student body) will remain at parcels zoned to a nonresidential zone; and

b. The site of the proposed extension or expansion of the college is a reasonable addition to the existing college campus and would result in a continuity of college use between the main campus and the site of the expansion or extension; and, the location of the expansion or

extension would not allow the college use to “leapfrog” over intervening properties that are not part of the existing college use or otherwise intrude into or disrupt an existing residential area.

2. Signage. Signs for a college shall conform to the regulations for an institutional use.

3. Limitations.

a. Only buildings or structures designed for nonresidential uses may be approved for use for a college under this subsection.

b. The area encompassed by conditional use permits approved under this subsection and under the ownership or control (including leases, rental agreements or similar) shall not exceed five acres.

4. Expiration. This subsection shall expire on December 31, 1999; provided, that uses established in accord with this subsection shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. (Ord. 2441 § 12, 2003; Ord. 2310 §§ 36, 37, 2000; Ord. 2174 § 2, 1998; Ord. 2065 § 6, 1995; Ord. 2051 § 5, 1995; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1844 § 10, 1991; Ord. 1781 § 4, 1990; Ord. 1472 § 1, 1985; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 584 § 2, 1971; Ord. 522 § 2, 1969; Ord. 323 § 2, 1967)

21.42.140 Limitations for uses allowed in single-family zones when located in multiple-family zones.

Repealed by Ord. 2441. (Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.42.200 Development standards.

**Table 21.42.02
Development Standards**

Standard	RS-8L	RS-7M	RSH	RML	RMM	RMH
Minimum Lot Area+++	8,400 sf	7,200 sf	4,000 sf	7,200 sf	None	None
Minimum Lot Area per Dwelling	NA	NA		3,600 sf	2,400 sf+	1,000 sf++
Minimum Lot Width	70 ft.+++	60 ft.	40 ft.	none	70 ft.	100 ft. plus 1 ft. for every 10 ft. of lot depth after the first 100 ft.
Minimum Frontage at Street	30 ft.+++	30 ft.	25 ft.	70 ft.	None	None
Minimum Front Yard Setback						
Interior Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Corner Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setbacks – Corner Lot						
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	20 ft.	15 ft.*	None	None
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.

Minimum Side Yard Setbacks – Interior Lot						
Each Side	5 ft.	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	10 ft.	15 ft.	None	None
Minimum Rear Yard Setback	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.	25 ft.
Maximum Lot Coverage by Buildings	35 percent	35 percent	50 percent	35 percent	35 percent	45 percent
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft., or 2 stories from average finished grade	35 ft.	None+++
* Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five-foot side yard may be the minimum of each side.						
+ The total lot area may be “increased” at the rate of 250 square feet for every parking space provided within the apartment structure.						
++ The total lot area may be “increased” at the rate of 200 square feet for every parking space provided within the multiple-family housing structure.						
+++ See LMC 21.42.210.						

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

21.42.210 Additional development standards.

A. Parking Requirements. Parking requirements for the residential zones are as provided in Chapter 21.18 LMC.

1. Tandem Parking in Multiple-Family Zones. In the RML, RMM, and RMH zones, 10 percent of the required parking may be in tandem parking; provided, that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, 10 percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.

2. Landscaping in Parking Areas in the Multiple-Family Zones.

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

i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;

ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple-family housing sites in this city;

iii. To provide an opportunity for the development of a pleasing visual environment in the multiple-family housing zones of this city from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple-family housing dweller (a purpose of the multiple-family housing developer);

iv. To insure the preservation of land values in multiple-family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and

v. To provide adequate control over the application of landscaping standards so

that these objectives are accomplished in the most effective manner and to avoid the abuse of these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

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

Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

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

c. **Landscaping in Right-of-Way.** Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the city against any injuries occurring within that portion of right-of-way so utilized.

d. **Planting Coverage.** Ten percent of parking areas located between buildings and interior property lines, and single-aisle, double-loaded parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area. The planning commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and

iii. All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple-family housing or between parking stalls and multiple-family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.

e. **Style of Landscaping.** The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, lawn or combination of such materials.

f. **Landscaping Adjacent to Parking Stalls.** Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of

groundcover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

g. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC.

B. Fences and Hedges. Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. Building Height in RMH Zones. The front, rear, and side yard setbacks of any building that exceeds a height of 45 feet shall be increased by one foot for each one foot that the building exceeds a height of 45 feet.

D. Minimum Lot Area in RSL and RSM zones. Within RS-8L or RS-7M zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided, that:

1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

E. Minimum Lot Area in RSH zone. Within the RSH zone the minimum lot size is 4,000 square feet per single-family dwelling. The minimum lot size may be less than 4,000 square feet per dwelling if a housing project is comprehensively planned and developed under the Planned Unit Development (PUD) process. Densities of up to 12 dwelling units per gross acre may be permitted using the PUD process. In order to attain the higher densities possible through the PUD process, the project must provide a high level of benefit to the residents of the project and to the larger community. Such benefits may be in the form of common open space and/or recreational facilities, quality of design in the dwellings and the overall project, the use of green building principles, energy conservation, and lowered transportation impacts. The community development director shall prepare a rating and evaluation system for use by the Hearings Examiner and City Council in evaluating RSH development projects submitted under the PUD process to determine the appropriate dwellings units per acre up to the maximum allowable amount of 12 dwellings per gross acre.

F. Small Lot Single-family Dwelling Development Standards. Single-family dwellings built on lots zoned RSH shall meet the requirements contained within this section unless approved as part of a multiple-family development pursuant to the regulations within Chapter 21.42. It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are constructed. The community development director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or

do not satisfy the intent of these standards.

1. Where lots front on a public street or private access easement, the dwelling shall have doors and windows facing the street or private access easement. Dwellings shall have a distinct entry feature such as a porch or weather covered entryway with minimum dimensions of six feet by six feet. Covered porches open on three sides may encroach six feet into a required front yard setback. The community development director may approve an entryway with dimensions different than the six feet by six feet dimensions specified herein; provided, that the entryway visually articulates the front facade of the dwelling so as to create a distinct entryway, meets setback requirements, and provides at least thirty-six square feet of weather cover.

2. If the lot abuts an alley in addition to a public street, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. Where the garage, or off-street parking area, is accessed from an alley no curb cuts shall be permitted on the public street.

3. If there is no alley access and the lot fronts on a public street or private access easement, the front of the garage shall be set back a minimum of five feet from the main front plane of the dwelling; and, the dwelling shall have entry, window and/or roofline design treatment which emphasizes the dwelling more than the garage.

4. Driveways shall not exceed twenty feet in width in the required front yard setback area.

5. Dwellings built on lots without direct frontage on a public street shall be situated to respect the privacy of abutting dwellings and to create usable yard space for the dwelling(s). The community development director shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

6. Lot coverage by the living space of a dwelling shall not exceed forty percent. Gross floor area of the dwelling and any garage and other buildings on the lot shall not exceed a combination of fifty percent of the area of the lot.

7. Landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

GE. Pre-Existing Subdivisions. Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the width of the lot is not less than 60 feet, the area of the lot is not less than 7,000 square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8SL zone. (Ord. 2441 § 12, 2003; Ord. 2388 § 18, 2001; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1770 § 12, 1990; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 987 §§ 3, 4, 1978; Ord. 614 § 1, 1971; Ord. 575 § 1, 1970; Ord. 565 § 1, 1970; Ord. 489 § 1, 1969; Ord. 407 § 2, 1968; Ord. 386 § 1, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.3, 9.2.4, 9.3.3, 9.3.4, 9.4.3, 9.4.4, 9.5.3, 9.5.4, 1964)

21.42.220 Transition or buffer strips.

A. Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned RML, RMM, or RMH is adjacent to a property zoned RS;

2. Where the side yard or rear yard of a property zoned to a multiple-family residential zone adjoins a property zoned to a commercial or industrial zone.

All landscaped strips shall be a minimum of 10 feet wide.

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

replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

C. Minimum Standards.

1. Planting and Fencing.

a. RML, RMM, and RMH Zones Adjoining a Single-Family Residential Zone. The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line.

b. A Multiple-Family Residential Zone Adjoining a Commercial or Industrial Zone. The planting strip shall contain the planting in the preceding subsection or an evergreen hedge, with plants spaced so that they will form a dense hedge within five years, and the minimum plant height shall be four feet. A permanent six-foot site-screening fence shall be placed at the property line.

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

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

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the city shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500.00. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

D. Fence Regulations.

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

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

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the planning director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2441 § 12, 2003; Ord. 2388 § 19, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 4, 5, 6, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 407 § 2, 1968; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.4, 9.3.4, 9.4.4, 9.5.4, Art. X §§ 10.6, 10.7, 1964)

21.42.230 Other transitional requirements.

A. Property Abutting an RS-Zoned Property. Where the side yard of a property zoned RML, RMM, or RMH abuts a property zoned to a single-family residential zone, the abutting side yard setback of the RM-zoned property shall be 25 feet.

B. Property Zoned to the RMH Zone. Development of any property zoned to the RMH zone shall provide a 25-foot setback at any side yard abutting an RS or RML zone. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 323 § 2, 1967)

21.42.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.

A. In RML Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

B. In RMM and RMH Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.42.250 Development standards for park facilities.

A. Buildings and structures at properties designated "Parks, Recreation and Open Space" on the future land use plan map of the comprehensive plan shall be subject to the development standards in LMC 21.42.200; provided, that the community development director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.

2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 25 feet.

3. Provided, that the director finds:

a. The standards in LMC 21.42.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and

b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2441 § 12, 2003; Ord. 2240 § 1, 1999)

21.42.300 Home occupations.

Home occupations are permitted upon issuance of a business license by the city clerk's office pursuant to the provisions of LMC Title 5. To assure adherence to the definition of "home occupation," applicants for home occupation business licenses shall acknowledge in writing, certified under penalty of perjury under the laws of the state of Washington, that they will comply with the provisions of this section. Failure to so certify shall constitute an incomplete application and the same shall not be processed. Home occupation business licensees shall comply with the conditions listed in this section. Failure to so comply shall constitute a misdemeanor and grounds for revocation or suspension of said license. (Home day care is regulated separately, under LMC 21.42.400.)

A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal building. Any extension of the home occupation to the outdoors, including but not limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited.

B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, and not from a separate outside entrance.

C. Employment. No one other than members of the family who are residing on the licensee's

premises may perform labor or personal services on the premises, whether such persons are employees or independent contractors. Persons in building trades and similar fields using their homes or multiple-family housing as offices for business activities carried on off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the dwelling site, or visit the residence during the course of business.

D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. The display or storage of goods outside the premises or in a window is prohibited.

E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

F. Traffic. The nature of the home occupation shall be such that it does not generate traffic in excess of normal residential traffic. Home occupations which result in travel to the site by customers or suppliers or any other persons in excess of one visit every hour are specifically prohibited; provided, that this limitation may be exceeded one day each month to facilitate the holding of occasional meetings which is inherent to certain types of home occupations. Traffic generated by a home occupation is limited to the hours of 9:00 a.m. to 9:00 p.m. These restrictions shall not apply to the sale of household goods on the premises (garage sale) nor do such sales require the obtaining of a home occupation license. However, to minimize traffic impacts on a neighborhood, sales of household goods shall be limited to no more than two per year, each sale not to exceed seven days. Pickup or delivery by commercial vehicles other than those of the home occupation owner shall be limited to one vehicle of one-ton rated capacity or less.

G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractor's shops;
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Escort services;
8. Health care actually delivered to patients, including, but not limited to, treatments by medical doctors, chiropractors, dentists, podiatrists, naturopaths, psychologists, hypnotherapists, massage practitioners, physical or occupational therapists, nurses, and acupuncturists;
9. Any use with a demonstrated tendency to violate one or more of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. (Ord. 2441 § 12, 2003; Ord. 2310 § 34, 2000; Ord. 2101 § 1, 1996; Ord. 2020 § 17, 1994; Ord. 1891 § 1, 1992; Ord. 1889 § 3, 1992; Ord. 1757 § 1, 1990; Ord. 1607 § 11, 1987; Ord. 1389 § 2, 1984)

21.42.400 Accessory structures and uses.

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

cars for each dwelling.

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

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

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

C. Heat Pumps. Provided such are baffled, shielded, enclosed, or placed on the property to insure that the dba level does not exceed the applicable noise level at the property line. Documentation of the methods to insure compliance with these standards shall be required of the applicant prior to issuance of a permit to install a heat pump. In the event of persistent noise problems, it shall be the owner's responsibility to retain a noise consultant and to take the necessary actions to mitigate the impacts immediately. Heat pumps complying with the above standards shall be placed a minimum of five feet from all property lines.

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
 2. The heat pump does not cause an adverse environmental impact; and
 3. The proposed location is the more desirable in lieu of the minimum five-foot setback.
- Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

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

E. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted except that an occupant shall be

able to keep one animal; i.e., horse, cow or sheep on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line. The keeping of mink, goats, foxes, or hogs is prohibited.

F. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1844 § 7, 1991; Ord. 1781 § 6, 1990; Ord. 1428 §§ 1, 2, 1984; Ord. 1252 §§ 2, 3, 1982; Ord. 1240 § 2, 1982; Ord. 669 § 1, 1972; Ord. 323 § 2, 1967; Ord. 285 § 4, 1966)

21.42.420 Placement of accessory buildings and structures – Interior lots.

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

B. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory buildings which:

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

shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. (Ord. 2295 § 6, 2000; Ord. 2020 § 17, 1994; Ord. 1823 § 1, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 1, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.4.2g(1), § 9.5.5, 1964)

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

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

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

C. Side Yard Width. In all cases, the width of the required side yard on the street side for the applicable zone shall be observed. (Ord. 2020 § 17, 1964; Ord. 1823 § 2, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 2, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.2.4g(2), 9.5.5, 1964)

21.42.500 Signs.

See LMC 21.16.290 for sign regulations in residential zones. (Ord. 2310 § 35, 2000)

21.42.900 Other regulations.

A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being

constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

1. Development Standards. Refuse and recycling collection areas in all multiple-family zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict: setback a minimum of 25 feet from a public street and 10 feet from any interior property line.

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

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

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

B. Recreational Requirements. In the RML, RMM, and RMH zones, on-site recreational facilities and outdoor amenities shall be provided, as follows:

1. Objectives.

a. To require the multiple-family housing developer to satisfy a portion of the demand for recreational facilities that are created in a proportional ratio to the increased population density; and

b. To provide standards which can be principally satisfied through proper site design that gains a maximum use of the respective land parcel.

2. Requirement. All new multiple-family housing developments, and all expansions of existing multiple-family housing developments by the addition of new dwelling units, shall provide sufficient active recreational areas to satisfy a minimum ratio of 200 square feet per multiple-family housing unit. The site plan shall designate the location of recreational facilities and outdoor amenities and the boundaries of recreational areas. Indoor recreational areas or rooftop recreational areas may be used to satisfy this ratio if they satisfy all requirements of this section.

3. Development Standard. All recreation facilities shall be of a permanent nature.

4. Use Restriction. The recreation facilities may be restricted to use by tenants only. This provision excludes use of private and semi-private patios, and balconies in meeting the recreational requirements.

C. Housing, Parking, Repairing, Altering and Painting of Trucks, Cars or Other Vehicles within any Residential Zone. No trucks, cars, or other vehicles may be housed, parked, repaired, altered, painted, or otherwise worked upon within any R zone under this title, other than those vehicles specifically owned and/or registered in the name of the property owner, lessee, or occupant of such property. Any such work done by a property owner, lessee, or occupant of such property as to become an obnoxious, obscene, dirty, or an unsightly condition, or to cause inconvenience, hurt, or become a nuisance to residents of a neighborhood, shall be given notice to discontinue such work or operation, and shall immediately so do or become subject to the penalties as prescribed by this title. At no time shall such property owner, lessee, or occupant do any type of welding (acetylene or electric) on or about such R-zoned area. Such vehicular repair

work will be permitted only within the hours from 9:00 a.m. to 9:00 p.m. within such residential area. (Ord. 2441 § 12, 2003; Ord. 2388 §§ 20, 21, 2001; Ord. 2020 § 7, 1994; Ord. 1911 § 2, 1992; Ord. 1186 § 1, 1981; Ord. 970 § 1, 1978; Ord. 407 § 2, 1968; Ord. 190 Art. VIII § 8.6, 1964).

Chapter 21.42
RESIDENTIAL SINGLE FAMILY ZONES

Sections:

- 21.42.050** **Zones and purposes.**
- 21.42.100** **Uses allowed in residential zones.**
- ~~**21.42.105** **Project design review.**~~
- 21.42.110** **Limitations on use.**
- 21.42.140** **Repealed.**
- 21.42.200** **Development standards.**
- 21.42.210** **Additional development standards.**
- ~~**21.42.220** **Transition or buffer strips.**~~
- ~~**21.42.230** **Other transitional requirements.**~~
- ~~**21.42.240** **Standards for uses allowed in single-family residential zones when located in multiple-family zones.**~~
- 21.42.250** **Development standards for park facilities.**
- 21.42.300** **Home occupations.**
- 21.42.400** **Accessory structures and uses.**
- 21.42.420** **Placement of accessory buildings and structures – Interior lots.**
- 21.42.440** **Placement of accessory buildings and structures – Corner and reverse corner lots.**
- 21.42.500** **Signs.**
- 21.42.900** **Other regulations.**

21.42.050 Zones and purposes.

The residential zones are intended to provide for a wide range of housing densities and styles consistent with contemporary building and living standards. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

21.42.100 Uses allowed in residential zones.

See Table 21.42.01 for use restrictions in residential zones.

Table 21.42.01

Use	RS-8	RS-7	RML	RMM	RMH
Single-Family Dwellings (one per lot)	P	P	P	P	P
Two-Family Dwellings	-	-	P	P	P
Multiple-Family Dwellings	-	-	P	P	P
Adult Family Homes	P	P	P	P	P
Accessory Dwelling Unit+	ASF	ASF	-	-	-
Agricultural and Horticultural Activities, including plant nurseries+	C	C	E	E	E
Boarding Houses+	-	-	P	P	P
Child Day-Care Centers+	C*	C*	E	E	E
Churches	C	C	E	E	E
Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and group housing for any other legal purpose, but not including hospitals or mental hospitals	-	-	E	E	E

Expansion or Extension of an Existing College	-	-	€	€	€
Hospitals and Nursing Homes	-	-	-	-	P
Hotels (including incidental commercial facilities which are internally oriented to serve overnight guests)	-	-	-	-	-
Manufactured Home Developments and Designed Manufactured Homes+	P	P	P	P	P
Mini-Day Care Programs	-	-	P	P	P
Office Uses+	-	-	€	€	€
Park and Pool Lots+	C**	C**	€	€	€
Professional and Business Offices	-	-	-	-	-
Public Parks	P	P	P	P	P
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards+	C	C	€	€	€
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	€	€	€
Wireless Communications Facility Attached (not permitted on residential structures)	P	P	P	P	P

* Only as an accessory to a school or church.

** Only on properties with street frontage along streets designated as arterials.

+See LMC 21.42.110.

Key:

ASF = Allowed as an accessory use to a single-family residence.

P = Use is permitted as a primary use; see LMC 21.42.300 regarding home occupations.

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

- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

21.42.105 — Project design review.

~~A. Design Guidelines for Multiple Family Uses. Construction of any multiple family structure or building including duplexes (two family dwellings) permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.~~

~~B. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet, permitted outright or by~~

~~conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.~~

~~C. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.~~

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

~~E. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 12, 2003; Ord. 2388 § 16, 2001)~~

21.42.110 Limitations on use.

A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries, must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit.

B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;

3. A site development plan shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;

4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;

6. That the applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If

additional height over that allowed in the zone is justified it may be approved by the city;

7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

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

C. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an application for such a use, the hearing examiner shall review all impacts of the proposed use upon the surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls, noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In single-family zones, park and pool lots should not be the principal use of a property, but an accessory use to a permitted or conditional use in that zone.

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

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

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

D. Child Day-Care Centers.

1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the hearing examiner and city council will consider the need for the activity in the area and all possible impacts in the area including but not limited to the following:

- a. Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- b. Any abnormal increase in demand for any public service, facility or utility;
- c. The size, location, and access of the proposed site; and
- d. Any adverse effects on the standard of livability to the surrounding area.

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for;
- g. See LMC 21.16.290(A) for sign regulations.

E. Manufactured Home Developments. Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.

~~F. Two Family Dwellings and Multiple Dwelling Units. In RML, RMM, and RMH zones, if there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd numbered unit which may stand alone.~~

~~G. Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and Group Housing for Any Other Legal Purpose but Not Including Hospitals or Mental Hospitals.~~

1. Number of Residents. The number of persons who will be residing in the property shall be generally consistent with the potential density of persons as would be expected from multiple dwelling units. Except that, the maximum number of units for housing for the elderly and handicapped shall be no greater than 1.5 times the number of units which would be allowed for multiple family housing within the respective zone; provided, that the maximum population does not exceed 1.2 persons per dwelling unit. If the density exceeds 1.2 per dwelling unit, then the number of dwelling units shall be reduced correspondingly.

2. Impact on Surrounding Area. The allowing of the proposed use shall not adversely affect the surrounding area as to present use or character of the future development.

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

a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, and design measures to minimize incompatibility between the proposal and surrounding businesses;

b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

e. Restriction to such intended use except by revision through a subsequent conditional use permit.

4. Open Space. A minimum of 200 square feet of passive recreation and/or open space shall be provided. Housing for the elderly has a need for recreational open space but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

H. Office Uses. The intended uses shall comply with the following minimum standards:

1. No portion of the building in which the offices are permitted shall be occupied as a residence;

2. The office use shall be generally professional in nature, which use shall include but not be limited to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors, engineers, land surveyors, and opticians; provided, accessory retail uses may be allowed only if closely related to the principal uses of the building, such as pharmacies in medical buildings, and must be specified in the conditional use permit. When allowed, such retail uses shall be internally oriented, with external advertising identical to the professional offices and compliance with the conditional use permit;

3. See LMC 21.16.290(G) for sign regulations;

~~4. The uses shall be of a type unlikely to be open evenings or weekends and unlikely to generate large volumes of traffic;~~

~~5. In considering the intended use, location of the building in proximity to existing multiple or single family residential uses, a determination shall be made that the proposed use would not be detrimental to such existing residential uses.~~

~~I. Hospitals and Nursing Homes.~~

~~1. Setbacks. All buildings maintain a distance of not less than 35 feet from any single family residential zone;~~

~~2. Occupancy. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto;~~

~~3. Health Department Approval. The health department shall have approved all provisions for drainage and sanitation.~~

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

~~FK. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this section.~~

~~1. Purposes. Regulating the development and use of accessory dwelling units is intended to achieve the following purposes:~~

~~a. Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single-family residence;~~

~~b. Create additional affordable housing in Lynnwood;~~

~~c. Allow a property owner to continue to reside in a neighborhood after a lifestyle change, in particular, by having the opportunity to receive rental income;~~

~~d. Develop housing that is appropriate to smaller households; and~~

~~e. Protect neighborhood stability, property values, and the appearance and character of single-family neighborhoods by regulating the installation and use of accessory dwelling units.~~

~~2. Permitted Zones. Accessory dwelling units shall be permitted in the R-7 and R-8 zones; provided, that an accessory dwelling unit may be permitted only on a premises that already contains a primary residence.~~

~~3. Minimum Lot Size. Accessory dwelling units shall be allowed only at a premises with a lot area of at least 10,000 square feet.~~

~~4. Number. A maximum of one accessory dwelling unit shall be permitted on a single-family premises.~~

~~5. Location in Relation to Principal Residence. The accessory dwelling unit may be within the principal residence, or it may be connected to it by the foundation, floor, walls, ceiling, and roof; connection by means of a breezeway or other partially open structure shall not fulfill this requirement.~~

~~The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion. Any new construction for the accessory unit may not be located in front of (i.e., closer to the front property line than) the existing structure.~~

~~6. Development Standards. Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including requirements of the building code.~~

~~7. Size. The accessory dwelling unit shall have a gross floor area of not less than 500 square feet and not more than 700 square feet. It shall have not more than one bedroom.~~

~~8. Design. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. At a minimum, the plans for the unit should conform to the following guideline:~~

~~Any new exterior construction associated with creating an accessory dwelling unit should~~

match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.

9. Entrance Location. The entrance(s) to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence.

10. Parking. Two off-street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the main residence. They shall be paved in conformance with standard city requirements. These parking spaces may be located in a garage, carport, or in an off-street area reserved for vehicle parking. These parking spaces may not be located in tandem with parking spaces for the principal unit. These parking spaces may not encroach into any portion of a public or private street right-of-way (including any landscaped portion).

11. Accessibility. In order to encourage the development of housing units for people with disabilities, the community development director may allow reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes. Such deviations may be considered as part of the accessory dwelling unit permit (see below).

12. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the principal unit or the accessory dwelling unit as their permanent residence for at least six months of each calendar year. Owners shall sign and record with the county an affidavit in a form acceptable to the city attesting to their occupancy. At no time may the property owner receive rent for whichever unit is owner occupied.

13. Maximum Occupancy. No more than two persons may live in an accessory dwelling unit.

14. Permitting. No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee. The property owner shall submit an application for an accessory dwelling unit permit to the community development director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in LMC 2.23.120; and such other information as the community development director may require in order to determine whether the application conforms with city requirements.

b. Action. After determining that the application is complete, the community development director shall approve the application and issue an accessory dwelling unit permit if he/she finds that the application conforms with the requirements of this section and other applicable sections of the municipal code.

c. Validity. Any permit issued pursuant to this section shall be issued only to the property owner and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser. Such permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the accessory dwelling unit as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the community development director. The community development director shall renew any permit under this subsection if he/she finds that the accessory dwelling unit complies with all provisions of this section.

d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may

be granted by the community development director, upon written request by both the tenant and the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.

e. Recording. The permit, and any other forms required by the community development director, shall be recorded by the property owner with the county to indicate the presence of the accessory dwelling unit, the requirement of owner-occupancy, and any other standards or requirements for maintaining the unit as a separate dwelling unit. Any permit approved under this section shall not be effective until evidence of recordation is presented to the community development director.

f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.

g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.

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

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

16. Home Occupations. A home occupation may not be conducted in the accessory dwelling unit.

17. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit, subject to this subsection.

a. Time Limit. An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the community development department within 18 months of the effective date of the ordinance codified in this chapter.

b. Construction Codes Compliance. Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the city of Lynnwood (or the county of Snohomish if the property was not part of the city at the time of construction) and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the community development department.

c. Development and Use Standards. Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.

L. Colleges. The extension or expansion of a college, not including a private training college (e.g., a beauty school, business college or technical training facility), may be allowed in the RML, RMM, or RMH zones by approval of a conditional use permit.

1. Decision Criteria. In addition to the criteria in Chapter 21.24 LMC, an application for a conditional use permit under this subsection may be approved only if it is found that:

a. The central functions of the college (e.g., college-wide administration and services for the entire student body) will remain at parcels zoned to a nonresidential zone; and

b. The site of the proposed extension or expansion of the college is a reasonable addition to the existing college campus and would result in a continuity of college use between

the main campus and the site of the expansion or extension; and, the location of the expansion or extension would not allow the college use to "leapfrog" over intervening properties that are not part of the existing college use or otherwise intrude into or disrupt an existing residential area.

2. Signage. Signs for a college shall conform to the regulations for an institutional use.

3. Limitations.

a. Only buildings or structures designed for nonresidential uses may be approved for use for a college under this subsection.

b. The area encompassed by conditional use permits approved under this subsection and under the ownership or control (including leases, rental agreements or similar) shall not exceed five acres.

4. Expiration. This subsection shall expire on December 31, 1999; provided, that uses established in accord with this subsection shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. (Ord. 2441 § 12, 2003; Ord. 2310 §§ 36, 37, 2000; Ord. 2174 § 2, 1998; Ord. 2065 § 6, 1995; Ord. 2051 § 5, 1995; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1844 § 10, 1991; Ord. 1781 § 4, 1990; Ord. 1472 § 1, 1985; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 584 § 2, 1971; Ord. 522 § 2, 1969; Ord. 323 § 2, 1967)

21.42.140 Limitations for uses allowed in single-family zones when located in multiple-family zones.

Repealed by Ord. 2441. (Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.42.200 Development standards.

**Table 21.42.02
Development Standards**

Standard	RS-8	RS-7	RML	RMM	RMH
Minimum Lot Area+++	8,400 sf	7,200 sf	7,200 sf	none	none
Minimum Lot Area per Dwelling	NA	NA	3,600 sf	2,400 sf+	1,000 sf++
Minimum Lot Width	70 ft. +++	60 ft.	none	70 ft.	100 ft. plus 1 ft. for every 10 ft. of lot depth after the first 100 ft.
Minimum Frontage at Street	30 ft. +++	30 ft.	70 ft.	none	none
Minimum Front Yard Setback					
Interior Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
Corner Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setbacks – Corner Lot					
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	15 ft.*	none	none
Abutting a Principal Arterial Street	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.

Minimum Side Yard Setbacks – Interior Lot					
Each Side	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	15 ft.	none	none
Minimum Rear Yard Setback	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Lot Coverage by Buildings	35 percent	35 percent	35 percent	35 percent	45 percent
Maximum Building Height	35 ft.	35 ft.	35 ft., or 2 stories from average finished grade	35 ft.	none+++

* Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five foot side yard may be the minimum of each side.

+ The total lot area may be “increased” at the rate of 250 square feet for every parking space provided within the apartment structure.

++ The total lot area may be “increased” at the rate of 200 square feet for every parking space provided within the multiple family housing structure.

+++ See LMC 21.42.210.

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

21.42.210 Additional development standards.

A. Parking Requirements. Parking requirements for the residential zones are as provided in Chapter 21.18 LMC.

1. ~~Tandem Parking in Multiple Family Zones. In the RML, RMM, and RMH zones, 10 percent of the required parking may be in tandem parking; provided, that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, 10 percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.~~

~~2. Landscaping in Parking Areas in the Multiple Family Zones.~~

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

~~i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;~~

~~ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple family housing sites in this city;~~

~~iii. To provide an opportunity for the development of a pleasing visual environment in the multiple family housing zones of this city from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple family housing dweller (a purpose of the multiple family housing developer);~~

~~iv. To insure the preservation of land values in multiple family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and~~

~~v. To provide adequate control over the application of landscaping standards so that these objectives are accomplished in the most effective manner and to avoid the abuse of~~

these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

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

~~Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.~~

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

~~e. Landscaping in Right of Way. Property owners who install landscaping on portions of right of way not covered by impervious surfaces shall provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right of way and an indemnity to the city against any injuries occurring within that portion of right of way so utilized.~~

~~d. Planting Coverage. Ten percent of parking areas located between buildings and interior property lines, and single aisle, double loaded parking areas located between buildings and the street, and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:~~

~~i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;~~

~~ii. No parking stall shall be located more than 45 feet from a landscaped area. The planning commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and~~

~~iii. All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple-family housing or between parking stalls and multiple family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.~~

~~e. Style of Landscaping. The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, lawn or combination of such materials.~~

~~f. Landscaping Adjacent to Parking Stalls. Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of groundcover materials or plants may be installed in that portion of any parking stall which will be~~

ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

~~g. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC.~~

B. Fences and Hedges. Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

~~C. Building Height in RMH Zones. The front, rear, and side yard setbacks of any building that exceeds a height of 45 feet shall be increased by one foot for each one foot that the building exceeds a height of 45 feet.~~

~~CD. Minimum Lot Area. Within RS-8 or RS-7 zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided, that:~~

1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

~~DE. Pre-Existing Subdivisions. Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the width of the lot is not less than 60 feet, the area of the lot is not less than 7,000 square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8 zone. (Ord. 2441 § 12, 2003; Ord. 2388 § 18, 2001; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1770 § 12, 1990; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 987 §§ 3, 4, 1978; Ord. 614 § 1, 1971; Ord. 575 § 1, 1970; Ord. 565 § 1, 1970; Ord. 489 § 1, 1969; Ord. 407 § 2, 1968; Ord. 386 § 1, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.3, 9.2.4, 9.3.3, 9.3.4, 9.4.3, 9.4.4, 9.5.3, 9.5.4, 1964)~~

~~21.42.220 — Transition or buffer strips.~~

~~A. Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:~~

1. Where the side yard or rear yard of a property zoned RML, RMM, or RMH is adjacent to a property zoned RS;
2. Where the side yard or rear yard of a property zoned to a multiple family residential zone adjoins a property zoned to a commercial or industrial zone.

~~All landscaped strips shall be a minimum of 10 feet wide.~~

~~B. Maintenance. Whenever greenbelts or landscaping are required to be installed according to city zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements, Lynnwood Citywide Design Guidelines, as~~

adopted by reference in LMC 21.25.145(B)(3), and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

C. Minimum Standards.

1. Planting and Fencing.

a. **RML, RMM, and RMH Zones Adjoining a Single Family Residential Zone.** The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line.

b. **A Multiple Family Residential Zone Adjoining a Commercial or Industrial Zone.** The planting strip shall contain the planting in the preceding subsection or an evergreen hedge, with plants spaced so that they will form a dense hedge within five years, and the minimum plant height shall be four feet. A permanent six-foot site-screening fence shall be placed at the property line.

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

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

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the city shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500.00. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

D. Fence Regulations.

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

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

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the planning director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2441 § 12, 2003; Ord. 2388 § 19, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 4, 5, 6, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 407 § 2, 1968; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.4, 9.3.4, 9.4.4, 9.5.4, Art. X §§ 10.6, 10.7, 1964)

21.42.230 — Other transitional requirements.

A. Property Abutting an RS Zoned Property. Where the side yard of a property zoned RML

RMM, or RMH abuts a property zoned to a single-family residential zone, the abutting side yard setback of the RM-zoned property shall be 25 feet.

B. Property Zoned to the RMH Zone. Development of any property zoned to the RMH zone shall provide a 25-foot setback at any side yard abutting an RS or RML zone. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 323 § 2, 1967)

21.42.240 — Standards for uses allowed in single-family residential zones when located in multiple-family zones.

A. In RML Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

B. In RMM and RMH Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.42.250 Development standards for park facilities.

A. Buildings and structures at properties designated "Parks, Recreation and Open Space" on the future land use plan map of the comprehensive plan shall be subject to the development standards in LMC 21.42.200; provided, that the community development director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.

2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 25 feet.

3. Provided, that the director finds:

a. The standards in LMC 21.42.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and

b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2441 § 12, 2003; Ord. 2240 § 1, 1999)

21.42.300 Home occupations.

Home occupations are permitted upon issuance of a business license by the city clerk's office pursuant to the provisions of LMC Title 5. To assure adherence to the definition of "home occupation," applicants for home occupation business licenses shall acknowledge in writing, certified under penalty of perjury under the laws of the state of Washington, that they will comply with the provisions of this section. Failure to so certify shall constitute an incomplete application and the same shall not be processed. Home occupation business licensees shall comply with the conditions listed in this section. Failure to so comply shall constitute a misdemeanor and grounds for revocation or suspension of said license. (Home day care is regulated separately, under LMC 21.42.400.)

A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal building. Any extension of the home occupation to the outdoors, including but not limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited.

B. Access. Access to the space devoted to the home occupation shall be from within the

dwelling, and not from a separate outside entrance.

C. Employment. No one other than members of the family who are residing on the licensee's premises may perform labor or personal services on the premises, whether such persons are employees or independent contractors. Persons in building trades and similar fields using their homes or multiple-family housing as offices for business activities carried on off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the dwelling site, or visit the residence during the course of business.

D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. The display or storage of goods outside the premises or in a window is prohibited.

E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

F. Traffic. The nature of the home occupation shall be such that it does not generate traffic in excess of normal residential traffic. Home occupations which result in travel to the site by customers or suppliers or any other persons in excess of one visit every hour are specifically prohibited; provided, that this limitation may be exceeded one day each month to facilitate the holding of occasional meetings which is inherent to certain types of home occupations. Traffic generated by a home occupation is limited to the hours of 9:00 a.m. to 9:00 p.m. These restrictions shall not apply to the sale of household goods on the premises (garage sale) nor do such sales require the obtaining of a home occupation license. However, to minimize traffic impacts on a neighborhood, sales of household goods shall be limited to no more than two per year, each sale not to exceed seven days. Pickup or delivery by commercial vehicles other than those of the home occupation owner shall be limited to one vehicle of one-ton rated capacity or less.

G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractor's shops;
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Escort services;

8. Health care actually delivered to patients, including, but not limited to, treatments by medical doctors, chiropractors, dentists, podiatrists, naturopaths, psychologists, hypnotherapists, massage practitioners, physical or occupational therapists, nurses, and acupuncturists;

9. Any use with a demonstrated tendency to violate one or more of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. (Ord. 2441 § 12, 2003; Ord. 2310 § 34, 2000; Ord. 2101 § 1, 1996; Ord. 2020 § 17, 1994; Ord. 1891 § 1, 1992; Ord. 1889 § 3, 1992; Ord. 1757 § 1, 1990; Ord. 1607 § 11, 1987; Ord. 1389 § 2, 1984)

21.42.400 Accessory structures and uses.

~~A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH zones as long as they adhere to the side yard and rear yard and front yard~~

~~setbacks as required herein for the applicable zone. In the RML Zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.~~

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

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

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

BC. Heat Pumps. Provided such are baffled, shielded, enclosed, or placed on the property to insure that the dba level does not exceed the applicable noise level at the property line. Documentation of the methods to insure compliance with these standards shall be required of the applicant prior to issuance of a permit to install a heat pump. In the event of persistent noise problems, it shall be the owner's responsibility to retain a noise consultant and to take the necessary actions to mitigate the impacts immediately. Heat pumps complying with the above standards shall be placed a minimum of five feet from all property lines.

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
 2. The heat pump does not cause an adverse environmental impact; and
 3. The proposed location is the more desirable in lieu of the minimum five-foot setback.
- Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

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

DE. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted except that an occupant shall be able to keep one animal; i.e., horse, cow or sheep on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line. The keeping of mink, goats, foxes, or hogs is prohibited.

F. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1844 § 7, 1991; Ord. 1781 § 6, 1990; Ord. 1428 §§ 1, 2, 1984; Ord. 1252 §§ 2, 3, 1982; Ord. 1240 § 2, 1982; Ord. 669 § 1, 1972; Ord. 323 § 2, 1967; Ord. 285 § 4, 1966)

21.42.420 Placement of accessory buildings and structures – Interior lots.

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

B. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory buildings which:

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

shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. (Ord. 2295 § 6, 2000; Ord. 2020 § 17, 1994; Ord. 1823 § 1, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 1, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.4.2g(1), § 9.5.5, 1964)

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

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

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

C. Side Yard Width. In all cases, the width of the required side yard on the street side for the applicable zone shall be observed. (Ord. 2020 § 17, 1964; Ord. 1823 § 2, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 2, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.2.4g(2), 9.5.5, 1964)

21.42.500 Signs.

See LMC 21.16.290 for sign regulations in residential zones. (Ord. 2310 § 35, 2000)

21.42.900 Other regulations.

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

~~1. Development Standards. Refuse and recycling collection areas in all multiple family zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict: setback a minimum of 25 feet from a public street and 10 feet from any interior property line.~~

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

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

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

~~B. Recreational Requirements. In the RML, RMM, and RMH zones, on-site recreational facilities and outdoor amenities shall be provided, as follows:~~

~~1. Objectives.~~

~~a. To require the multiple family housing developer to satisfy a portion of the demand for recreational facilities that are created in a proportional ratio to the increased population density; and~~

~~b. To provide standards which can be principally satisfied through proper site design that gains a maximum use of the respective land parcel.~~

~~2. Requirement. All new multiple family housing developments, and all expansions of existing multiple family housing developments by the addition of new dwelling units, shall provide sufficient active recreational areas to satisfy a minimum ratio of 200 square feet per multiple family housing unit. The site plan shall designate the location of recreational facilities and outdoor amenities and the boundaries of recreational areas. Indoor recreational areas or rooftop recreational areas may be used to satisfy this ratio if they satisfy all requirements of this section.~~

~~3. Development Standard. All recreation facilities shall be of a permanent nature.~~

~~4. Use Restriction. The recreation facilities may be restricted to use by tenants only. This provision excludes use of private and semi-private patios, and balconies in meeting the recreational requirements.~~

~~AC. Housing, Parking, Repairing, Altering and Painting of Trucks, Cars or Other Vehicles within any Residential Zone. No trucks, cars, or other vehicles may be housed, parked, repaired, altered, painted, or otherwise worked upon within any R zone under this title, other than those vehicles specifically owned and/or registered in the name of the property owner, lessee, or occupant of such property. Any such work done by a property owner, lessee, or occupant of such property as to become an obnoxious, obscene, dirty, or an unsightly condition, or to cause inconvenience, hurt, or become a nuisance to residents of a neighborhood, shall be given notice to discontinue such work or operation, and shall immediately so do or become subject to the~~

penalties as prescribed by this title. At no time shall such property owner, lessee, or occupant do any type of welding (acetylene or electric) on or about such R-zoned area. Such vehicular repair work will be permitted only within the hours from 9:00 a.m. to 9:00 p.m. within such residential area. (Ord. 2441 § 12, 2003; Ord. 2388 §§ 20, 21, 2001; Ord. 2020 § 7, 1994; Ord. 1911 § 2, 1992; Ord. 1186 § 1, 1981; Ord. 970 § 1, 1978; Ord. 407 § 2, 1968; Ord. 190 Art. VIII § 8.6, 1964)



Chapter 21.432
RESIDENTIAL MULTIPLE FAMILY ZONES

Sections:

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21.432.050 Zones and purposes.

The residential zones are intended to provide for a wide range of housing densities and styles consistent with contemporary building and living standards. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

21.432.100 Uses allowed in residential zones.

See Table 21.432.01 for use restrictions in residential zones.

Table 21.432.01

Use	RS-8	RS-7	RML	RMM	RMH
Single-Family Dwellings (one per lot)	P	P	P	P	P
Two-Family Dwellings	-	-	P	P	P
Multiple-Family Dwellings	-	-	P	P	P
Adult Family Homes	P	P	P	P	P
Accessory Dwelling Unit+	ASF	ASF	-	-	-
Agricultural and Horticultural Activities, including plant nurseries+	C	C	C	C	C
Boarding Houses+	-	-	P	P	P
Child Day-Care Centers+	C*	C*	C	C	C
Churches	C	C	C	C	C
Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and group housing for any other legal purpose, but not including hospitals or mental hospitals	-	-	C	C	C

Expansion or Extension of an Existing College	-	-	C	C	C
Hospitals and Nursing Homes	-	-	-	-	P
Hotels (including incidental commercial facilities which are internally oriented to serve overnight guests)	-	-	-	-	-
Manufactured Home Developments and Designed Manufactured Homes+	P	P	P	P	P
Mini-Day-Care Programs	-	-	P	P	P
Office Uses+	-	-	C	C	C
Park and Pool Lots+	C**	C**	C	C	C
Professional and Business Offices	-	-	-	-	-
Public Parks	P	P	P	P	P
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards+	C	C	C	C	C
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C	C	C
Wireless Communications Facility Attached (not permitted on residential structures)	P	P	P	P	P

* Only as an accessory to a school or church.

** Only on properties with street frontage along streets designated as arterials.

+See LMC 21.432.110.

Key:

ASE = Allowed as an accessory use to a single family residence.

P = Use is permitted as a primary use; see LMC 21.432.300 regarding home occupations.

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

- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

21.432.105 Project design review.

A. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

B. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet, permitted outright or by

conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

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

E. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 12, 2003; Ord. 2388 § 16, 2001)

21.432.110 Limitations on use.

A. Agricultural and Horticultural Activities. Agricultural and horticultural activities, including plant nurseries, must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit.

B. Public Utility Facilities. Public utility facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
3. A site development plan shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;
4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;
5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;
6. That the applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If

additional height over that allowed in the zone is justified it may be approved by the city;

7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

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

C. Park and Pool Lots. Park and pool lots may be permitted by conditional use permit. In considering an application for such a use, the hearing examiner shall review all impacts of the proposed use upon the surrounding neighborhood including, but not limited to, location, traffic, displacement of required stalls, noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In single-family zones, park and pool lots should not be the principal use of a property, but an accessory use to a permitted or conditional use in that zone.

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

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

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

D. Child Day-Care Centers.

1. Considerations. Child day-care centers may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the hearing examiner and city council will consider the need for the activity in the area and all possible impacts in the area including but not limited to the following:

- a. Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- b. Any abnormal increase in demand for any public service, facility or utility;
- c. The size, location, and access of the proposed site; and
- d. Any adverse effects on the standard of livability to the surrounding area.

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for;
- g. See LMC 21.16.290(A) for sign regulations.

E. Manufactured Home Developments. Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.

F. Two-Family Dwellings and Multiple-Dwelling Units. In RML, RMM, and RMH zones, if there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd-numbered unit which may stand alone.

G. Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and Group Housing for Any Other Legal Purpose but Not Including Hospitals or Mental Hospitals.

1. Number of Residents. The number of persons who will be residing in the property shall be generally consistent with the potential density of persons as would be expected from multiple dwelling units. Except that, the maximum number of units for housing for the elderly and handicapped shall be no greater than 1.5 times the number of units which would be allowed for multiple-family housing within the respective zone; provided, that the maximum population does not exceed 1.2 persons per dwelling unit. If the density exceeds 1.2 per dwelling unit, then the number of dwelling units shall be reduced correspondingly.

2. Impact on Surrounding Area. The allowing of the proposed use shall not adversely affect the surrounding area as to present use or character of the future development.

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

a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, and design measures to minimize incompatibility between the proposal and surrounding businesses;

b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

e. Restriction to such intended use except by revision through a subsequent conditional use permit.

4. Open Space. A minimum of 200 square feet of passive recreation and/or open space shall be provided. Housing for the elderly has a need for recreational open space but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

H. Office Uses. The intended uses shall comply with the following minimum standards:

1. No portion of the building in which the offices are permitted shall be occupied as a residence;

2. The office use shall be generally professional in nature, which use shall include but not be limited to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors, engineers, land surveyors, and opticians; provided, accessory retail uses may be allowed only if closely related to the principal uses of the building, such as pharmacies in medical buildings, and must be specified in the conditional use permit. When allowed, such retail uses shall be internally oriented, with external advertising identical to the professional offices and compliance with the conditional use permit;

3. See LMC 21.16.290(G) for sign regulations;

4. The uses shall be of a type unlikely to be open evenings or weekends and unlikely to generate large volumes of traffic;

5. In considering the intended use, location of the building in proximity to existing multiple- or single-family residential uses, a determination shall be made that the proposed use would not be detrimental to such existing residential uses.

I. Hospitals and Nursing Homes.

1. Setbacks. All buildings maintain a distance of not less than 35 feet from any single-family residential zone;

2. Occupancy. The accommodations and number of persons cared for conform to state and local regulations pertaining thereto;

3. Health Department Approval. The health department shall have approved all provisions for drainage and sanitation.

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

~~K. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this section.~~

~~1. Purposes. Regulating the development and use of accessory dwelling units is intended to achieve the following purposes:~~

~~a. Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single family residence;~~

~~b. Create additional affordable housing in Lynnwood;~~

~~c. Allow a property owner to continue to reside in a neighborhood after a lifestyle change, in particular, by having the opportunity to receive rental income;~~

~~d. Develop housing that is appropriate to smaller households; and~~

~~e. Protect neighborhood stability, property values, and the appearance and character of single family neighborhoods by regulating the installation and use of accessory dwelling units.~~

~~2. Permitted Zones. Accessory dwelling units shall be permitted in the R-7 and R-8 zones; provided, that an accessory dwelling unit may be permitted only on a premises that already contains a primary residence.~~

~~3. Minimum Lot Size. Accessory dwelling units shall be allowed only at a premises with a lot area of at least 10,000 square feet.~~

~~4. Number. A maximum of one accessory dwelling unit shall be permitted on a single-family premises.~~

~~5. Location in Relation to Principal Residence. The accessory dwelling unit may be within the principal residence, or it may be connected to it by the foundation, floor, walls, ceiling, and roof; connection by means of a breezeway or other partially open structure shall not fulfill this requirement.~~

~~The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion. Any new construction for the accessory unit may not be located in front of (i.e., closer to the front property line than) the existing structure.~~

~~6. Development Standards. Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including requirements of the building code.~~

~~7. Size. The accessory dwelling unit shall have a gross floor area of not less than 500 square feet and not more than 700 square feet. It shall have not more than one bedroom.~~

~~8. Design. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence. At a minimum, the plans for the unit should conform to the following guideline:~~

~~Any new exterior construction associated with creating an accessory dwelling unit should~~

match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.

9. Entrance Location. The entrance(s) to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence.

10. Parking. Two off street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the main residence. They shall be paved in conformance with standard city requirements. These parking spaces may be located in a garage, carport, or in an off street area reserved for vehicle parking. These parking spaces may not be located in tandem with parking spaces for the principal unit. These parking spaces may not encroach into any portion of a public or private street right of way (including any landscaped portion).

11. Accessibility. In order to encourage the development of housing units for people with disabilities, the community development director may allow reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes. Such deviations may be considered as part of the accessory dwelling unit permit (see below).

12. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the principal unit or the accessory dwelling unit as their permanent residence for at least six months of each calendar year. Owners shall sign and record with the county an affidavit in a form acceptable to the city attesting to their occupancy. At no time may the property owner receive rent for whichever unit is owner occupied.

13. Maximum Occupancy. No more than two persons may live in an accessory dwelling unit.

14. Permitting. No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee. The property owner shall submit an application for an accessory dwelling unit permit to the community development director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in LMC 2.23.120; and such other information as the community development director may require in order to determine whether the application conforms with city requirements.

b. Action. After determining that the application is complete, the community development director shall approve the application and issue an accessory dwelling unit permit if he/she finds that the application conforms with the requirements of this section and other applicable sections of the municipal code.

c. Validity. Any permit issued pursuant to this section shall be issued only to the property owner and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser. Such permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the accessory dwelling unit as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the community development director. The community development director shall renew any permit under this subsection if he/she finds that the accessory dwelling unit complies with all provisions of this section.

d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may

be granted by the community development director, upon written request by both the tenant and the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.

~~e. Recording. The permit, and any other forms required by the community development director, shall be recorded by the property owner with the county to indicate the presence of the accessory dwelling unit, the requirement of owner occupancy, and any other standards or requirements for maintaining the unit as a separate dwelling unit. Any permit approved under this section shall not be effective until evidence of recordation is presented to the community development director.~~

~~f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The community development director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.~~

~~g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the community development director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.~~

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

~~15. Subdivision Prohibited. No accessory dwelling unit may be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code.~~

~~16. Home Occupations. A home occupation may not be conducted in the accessory dwelling unit.~~

~~17. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit, subject to this subsection.~~

~~a. Time Limit. An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the community development department within 18 months of the effective date of the ordinance codified in this chapter.~~

~~b. Construction Codes Compliance. Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the city of Lynnwood (or the county of Snohomish if the property was not part of the city at the time of construction) and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the community development department.~~

~~e. Development and Use Standards. Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.~~

~~KL. Colleges. The extension or expansion of a college, not including a private training college (e.g., a beauty school, business college or technical training facility), may be allowed in the RML, RMM, or RMH zones by approval of a conditional use permit.~~

~~1. Decision Criteria. In addition to the criteria in Chapter 21.24 LMC, an application for a conditional use permit under this subsection may be approved only if it is found that:~~

~~a. The central functions of the college (e.g., college-wide administration and services for the entire student body) will remain at parcels zoned to a nonresidential zone; and~~

~~b. The site of the proposed extension or expansion of the college is a reasonable addition to the existing college campus and would result in a continuity of college use between~~

the main campus and the site of the expansion or extension; and, the location of the expansion or extension would not allow the college use to “leapfrog” over intervening properties that are not part of the existing college use or otherwise intrude into or disrupt an existing residential area.

2. Signage. Signs for a college shall conform to the regulations for an institutional use.

3. Limitations.

a. Only buildings or structures designed for nonresidential uses may be approved for use for a college under this subsection.

b. The area encompassed by conditional use permits approved under this subsection and under the ownership or control (including leases, rental agreements or similar) shall not exceed five acres.

4. Expiration. This subsection shall expire on December 31, 1999; provided, that uses established in accord with this subsection shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. (Ord. 2441 § 12, 2003; Ord. 2310 §§ 36, 37, 2000; Ord. 2174 § 2, 1998; Ord. 2065 § 6, 1995; Ord. 2051 § 5, 1995; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1844 § 10, 1991; Ord. 1781 § 4, 1990; Ord. 1472 § 1, 1985; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 584 § 2, 1971; Ord. 522 § 2, 1969; Ord. 323 § 2, 1967)

21.432.140 Limitations for uses allowed in single-family zones when located in multiple-family zones.

Repealed by Ord. 2441. (Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.432.200 Development standards.

**Table 21.432.02
Development Standards**

Standard	RS-8	RS-7	RML	RMM	RMH
Minimum Lot Area+++	8,400 sf	7,200 sf	7,200 sf	none	none
Minimum Lot Area per Dwelling	NA	NA	3,600 sf	2,400 sf+	1,000 sf++
Minimum Lot Width	70 ft. +++	60 ft.	none	70 ft.	100 ft. plus 1 ft. for every 10 ft. of lot depth after the first 100 ft.
Minimum Frontage at Street	30 ft. +++	30 ft.	70 ft.	none	none
Minimum Front Yard Setback					
Interior Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
Corner Lot	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setbacks – Corner Lot					
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	15 ft.*	none	none
Abutting a Principal Arterial Street	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.

Minimum Side Yard Setbacks – Interior Lot					
Each Side	5 ft.	5 ft.	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	10 ft.	15 ft.	none	none
Minimum Rear Yard Setback	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Maximum Lot Coverage by Buildings	35 percent	35 percent	35 percent	35 percent	45 percent
Maximum Building Height	35 ft.	35 ft.	35 ft., or 2 stories from average finished grade	35 ft.	none+++

* Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five-foot side yard may be the minimum of each side.

+ The total lot area may be “increased” at the rate of 250 square feet for every parking space provided within the apartment structure.

++ The total lot area may be “increased” at the rate of 200 square feet for every parking space provided within the multiple-family housing structure.

+++ See LMC 21.432.210.

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

21.432.210 Additional development standards.

A. Parking Requirements. Parking requirements for the residential zones are as provided in Chapter 21.18 LMC.

1. Tandem Parking in Multiple-Family Zones. In the RML, RMM, and RMH zones, 10 percent of the required parking may be in tandem parking; provided, that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, 10 percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.

2. Landscaping in Parking Areas in the Multiple-Family Zones.

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

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple-family housing sites in this city;
- iii. To provide an opportunity for the development of a pleasing visual environment in the multiple-family housing zones of this city from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple-family housing dweller (a purpose of the multiple-family housing developer);
- iv. To insure the preservation of land values in multiple-family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and
- v. To provide adequate control over the application of landscaping standards so that these objectives are accomplished in the most effective manner and to avoid the abuse of

these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

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

Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

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

c. **Landscaping in Right-of-Way.** Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the city against any injuries occurring within that portion of right-of-way so utilized.

d. **Planting Coverage.** Ten percent of parking areas located between buildings and interior property lines, and single-aisle, double-loaded parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area. The planning commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and

iii. All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple-family housing or between parking stalls and multiple-family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.

e. **Style of Landscaping.** The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, lawn or combination of such materials.

f. **Landscaping Adjacent to Parking Stalls.** Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of groundcover materials or plants may be installed in that portion of any parking stall which will be

ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

g. **Additional Landscaping Along Specified Streets.** Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC.

B. **Fences and Hedges.** Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. **Building Height in RMH Zones.** The front, rear, and side yard setbacks of any building that exceeds a height of 45 feet shall be increased by one foot for each one foot that the building exceeds a height of 45 feet.

~~D. **Minimum Lot Area.** Within RS 8 or RS 7 zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone; provided, that:~~

- ~~1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;~~
- ~~2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;~~
- ~~3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;~~
- ~~4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;~~
- ~~5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and~~
- ~~6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.~~

~~DE. **Pre-Existing Subdivisions.** Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the width of the lot is not less than 60 feet, the area of the lot is not less than 7,000 square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8 zone. (Ord. 2441 § 12, 2003; Ord. 2388 § 18, 2001; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1770 § 12, 1990; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 987 §§ 3, 4, 1978; Ord. 614 § 1, 1971; Ord. 575 § 1, 1970; Ord. 565 § 1, 1970; Ord. 489 § 1, 1969; Ord. 407 § 2, 1968; Ord. 386 § 1, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.3, 9.2.4, 9.3.3, 9.3.4, 9.4.3, 9.4.4, 9.5.3, 9.5.4, 1964)~~

21.432.220 Transition or buffer strips.

A. **Transitional or buffer landscaped strips** (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned RML, RMM, or RMH is adjacent to a property zoned RS;
2. Where the side yard or rear yard of a property zoned to a multiple-family residential zone adjoins a property zoned to a commercial or industrial zone.

All landscaped strips shall be a minimum of 10 feet wide.

B. **Maintenance.** Whenever greenbelts or landscaping are required to be installed according to city zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements, Lynnwood Citywide Design Guidelines, as

adopted by reference in LMC 21.25.145(B)(3), and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

C. Minimum Standards.

1. Planting and Fencing.

a. RML, RMM, and RMH Zones Adjoining a Single-Family Residential Zone. The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line.

b. A Multiple-Family Residential Zone Adjoining a Commercial or Industrial Zone. The planting strip shall contain the planting in the preceding subsection or an evergreen hedge, with plants spaced so that they will form a dense hedge within five years, and the minimum plant height shall be four feet. A permanent six-foot site-screening fence shall be placed at the property line.

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

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

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the city shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500.00. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

D. Fence Regulations.

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

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

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the planning director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2441 § 12, 2003; Ord. 2388 § 19, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 4, 5, 6, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 407 § 2, 1968; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.4, 9.3.4, 9.4.4, 9.5.4, Art. X §§ 10.6, 10.7, 1964)

21.432.230 Other transitional requirements.

A. Property Abutting an RS-Zoned Property. Where the side yard of a property zoned RML

RMM, or RMH abuts a property zoned to a single-family residential zone, the abutting side yard setback of the RM-zoned property shall be 25 feet.

B. Property Zoned to the RMH Zone. Development of any property zoned to the RMH zone shall provide a 25-foot setback at any side yard abutting an RS or RML zone. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 323 § 2, 1967)

21.432.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.

A. In RML Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

B. In RMM and RMH Zones. Any use permitted in a single-family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

21.432.250 Development standards for park facilities.

A. Buildings and structures at properties designated "Parks, Recreation and Open Space" on the future land use plan map of the comprehensive plan shall be subject to the development standards in LMC 21.432.200; provided, that the community development director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.

2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 25 feet.

3. Provided, that the director finds:

a. The standards in LMC 21.432.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and

b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2441 § 12, 2003; Ord. 2240 § 1, 1999)

21.432.300 Home occupations.

Home occupations are permitted upon issuance of a business license by the city clerk's office pursuant to the provisions of LMC Title 5. To assure adherence to the definition of "home occupation," applicants for home occupation business licenses shall acknowledge in writing, certified under penalty of perjury under the laws of the state of Washington, that they will comply with the provisions of this section. Failure to so certify shall constitute an incomplete application and the same shall not be processed. Home occupation business licensees shall comply with the conditions listed in this section. Failure to so comply shall constitute a misdemeanor and grounds for revocation or suspension of said license. (Home day care is regulated separately, under LMC 21.42.400.)

A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal building. Any extension of the home occupation to the outdoors, including but not limited to, paving of yards for parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited.

B. Access. Access to the space devoted to the home occupation shall be from within the

dwelling, and not from a separate outside entrance.

C. Employment. No one other than members of the family who are residing on the licensee's premises may perform labor or personal services on the premises, whether such persons are employees or independent contractors. Persons in building trades and similar fields using their homes or multiple-family housing as offices for business activities carried on off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the dwelling site, or visit the residence during the course of business.

D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. The display or storage of goods outside the premises or in a window is prohibited.

E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

F. Traffic. The nature of the home occupation shall be such that it does not generate traffic in excess of normal residential traffic. Home occupations which result in travel to the site by customers or suppliers or any other persons in excess of one visit every hour are specifically prohibited; provided, that this limitation may be exceeded one day each month to facilitate the holding of occasional meetings which is inherent to certain types of home occupations. Traffic generated by a home occupation is limited to the hours of 9:00 a.m. to 9:00 p.m. These restrictions shall not apply to the sale of household goods on the premises (garage sale) nor do such sales require the obtaining of a home occupation license. However, to minimize traffic impacts on a neighborhood, sales of household goods shall be limited to no more than two per year, each sale not to exceed seven days. Pickup or delivery by commercial vehicles other than those of the home occupation owner shall be limited to one vehicle of one-ton rated capacity or less.

G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractor's shops;
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Escort services;
8. Health care actually delivered to patients, including, but not limited to, treatments by medical doctors, chiropractors, dentists, podiatrists, naturopaths, psychologists, hypnotherapists, massage practitioners, physical or occupational therapists, nurses, and acupuncturists;
9. Any use with a demonstrated tendency to violate one or more of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. (Ord. 2441 § 12, 2003; Ord. 2310 § 34, 2000; Ord. 2101 § 1, 1996; Ord. 2020 § 17, 1994; Ord. 1891 § 1, 1992; Ord. 1889 § 3, 1992; Ord. 1757 § 1, 1990; Ord. 1607 § 11, 1987; Ord. 1389 § 2, 1984)

21.432.400 Accessory structures and uses.

A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH zones as long as they adhere to the side yard and rear yard and front yard

setbacks as required herein for the applicable zone. In the RML Zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.

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

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

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

C. Heat Pumps. Provided such are baffled, shielded, enclosed, or placed on the property to insure that the dba level does not exceed the applicable noise level at the property line. Documentation of the methods to insure compliance with these standards shall be required of the applicant prior to issuance of a permit to install a heat pump. In the event of persistent noise problems, it shall be the owner's responsibility to retain a noise consultant and to take the necessary actions to mitigate the impacts immediately. Heat pumps complying with the above standards shall be placed a minimum of five feet from all property lines.

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
 2. The heat pump does not cause an adverse environmental impact; and
 3. The proposed location is the more desirable in lieu of the minimum five-foot setback.
- Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

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

E. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted, except that an occupant shall be able to keep one animal; i.e., horse, cow or sheep on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line. The keeping of mink, goats, foxes, or hogs is prohibited.

F. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 1844 § 7, 1991; Ord. 1781 § 6, 1990; Ord. 1428 §§ 1, 2, 1984; Ord. 1252 §§ 2, 3, 1982; Ord. 1240 § 2, 1982; Ord. 669 § 1, 1972; Ord. 323 § 2, 1967; Ord. 285 § 4, 1966)

21.432.420 Placement of accessory buildings and structures – Interior lots.

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

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

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

~~shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. (Ord. 2295 § 6, 2000; Ord. 2020 § 17, 1994; Ord. 1823 § 1, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 1, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.4.2g(1), § 9.5.5, 1964)~~

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

A. Distance Between Buildings and Structures. The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the building code.

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

~~C. Side Yard Width. In all cases, the width of the required side yard on the street side for the applicable zone shall be observed. (Ord. 2020 § 17, 1964; Ord. 1823 § 2, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 2, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.2.4g(2), 9.5.5, 1964)~~

21.432.500 Signs.

See LMC 21.16.290 for sign regulations in residential zones. (Ord. 2310 § 35, 2000)

21.432.900 Other regulations.

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

1. Development Standards. Refuse and recycling collection areas in all multiple-family zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict: setback a minimum of 25 feet from a public street and 10 feet from any interior property line.

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

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

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

B. Recreational Requirements. In the RML, RMM, and RMH zones, on-site recreational facilities and outdoor amenities shall be provided, as follows:

1. Objectives.

a. To require the multiple-family housing developer to satisfy a portion of the demand for recreational facilities that are created in a proportional ratio to the increased population density; and

b. To provide standards which can be principally satisfied through proper site design that gains a maximum use of the respective land parcel.

2. Requirement. All new multiple-family housing developments, and all expansions of existing multiple-family housing developments by the addition of new dwelling units, shall provide sufficient active recreational areas to satisfy a minimum ratio of 200 square feet per multiple-family housing unit. The site plan shall designate the location of recreational facilities and outdoor amenities and the boundaries of recreational areas. Indoor recreational areas or rooftop recreational areas may be used to satisfy this ratio if they satisfy all requirements of this section.

3. Development Standard. All recreation facilities shall be of a permanent nature.

4. Use Restriction. The recreation facilities may be restricted to use by tenants only. This provision excludes use of private and semi-private patios, and balconies in meeting the recreational requirements.

C. Housing, Parking, Repairing, Altering and Painting of Trucks, Cars or Other Vehicles within any Residential Zone. No trucks, cars, or other vehicles may be housed, parked, repaired, altered, painted, or otherwise worked upon within any R zone under this title, other than those vehicles specifically owned and/or registered in the name of the property owner, lessee, or occupant of such property. Any such work done by a property owner, lessee, or occupant of such property as to become an obnoxious, obscene, dirty, or an unsightly condition, or to cause inconvenience, hurt, or become a nuisance to residents of a neighborhood, shall be given notice to discontinue such work or operation, and shall immediately so do or become subject to the

penalties as prescribed by this title. At no time shall such property owner, lessee, or occupant do any type of welding (acetylene or electric) on or about such R-zoned area. Such vehicular repair work will be permitted only within the hours from 9:00 a.m. to 9:00 p.m. within such residential area. (Ord. 2441 § 12, 2003; Ord. 2388 §§ 20, 21, 2001; Ord. 2020 § 7, 1994; Ord. 1911 § 2, 1992; Ord. 1186 § 1, 1981; Ord. 970 § 1, 1978; Ord. 407 § 2, 1968; Ord. 190 Art. VIII § 8.6, 1964)

**Lynnwood Planning Commission
Meeting of July 24, 2003**

Staff Report

Agenda Item: F-1

Copper Ridge Rezone CRA Amendment (2003-RZN-0005)

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Darryl Eastin – (425) 670-6652

Recommendation:

Following the informal meeting, recommend that the City Council approve the proposed Concomitant Rezone Agreement (CRA) amendment eliminating the requirement to maintain a \$1,200 deposit for replacement cost insurance.

Background/Discussion:

In 1994, the City Council approved the Copper Ridge Rezone that changed the zoning of a 1.53 acre property on the north side of 196th St SW, between 68th Ave. W and 72nd Ave. W from RS-8 to RMM. It was the owner/applicant's intention to preserve and rehabilitate the historic Swartz family residence on the property as part of the rezone proposal (See Attachments A and B). The rezone was subject to a CRA that allowed development on the property of 22 dwelling units provided that the owner/applicant rehabilitate the historic Swartz residence. One of the conditions of the CRA (Paragraph 4 of Exhibit "E") required that replacement cost insurance be provided on the rehabilitated historic structure. This condition also required that \$1,200 be maintained in an interest bearing account to allow the City to pay for continuing insurance coverage in the event the insurance policy by the owner/applicant lapsed.

Michael Echelbarger has requested that the CRA requirement to maintain a \$1,200 deposit for insurance be eliminated so the funds can be released (Attachment B). Mr. Echelbarger was one of the applicants of the Copper Ridge Rezone (and subdivision) and was responsible for rehabilitating the historic Swartz residence.

Staff recommends that the CRA be amended to eliminate paragraphs 4.a, b and e of Exhibit "E" that read,

“a. Grantor shall deposit and maintain a sum not less than \$1,200.00 in an interest bearing account at Seattle First National Bank, Lynnwood, or successor, provided, said account shall be blocked, and the account shall be established so that the bank agrees that it will freeze and hold the sums pursuant to this Agreement, and further that it will release all or a portion of the sums to Lynnwood on written demand by Lynnwood to do so.”

“b. The deposit requirement shall approximate one (1) times the annual cost of the required insurance. The amount of deposit shall be increased or decreased accordingly.”

“e. In the event the policy lapses, or the City is notified of an impending lapse, the City shall be entitled to withdraw from the funds on deposit any amounts required to pay for continuing insurance coverage.”

Staff also recommends that paragraph 4.f of Exhibit “E” be amended to read, “Grantor’s obligation to maintain insurance ~~and the minimum funds on deposit are~~ is secured by a lien on the property and is subject to foreclosure according to paragraph 8.”

Staff believes that releasing the deposit for replacement cost insurance is justified because there is less concern about the status of the historic structure now that it has been rehabilitated according to the terms of the CRA and occupied by a current business.

In addition, the CRA requires that the City be notified 30 days prior to cancellation of the insurance policy. Therefore, if the replacement cost insurance were cancelled, the City would have approximately 30 days to contact the owner to have the insurance reinstated pursuant to the CRA.

Next Steps:

Public hearing and action by the City Council on August 11, 2003.

Attachments:

- A. Copper Ridge Rezone Concomitant Rezone Agreement
- B. Letter by Michael Echelbarger dated 6-12-03

City of Lynnwood
19100 44th Ave W
LYNNWOOD WA 98046

20

9604040318

CONCOMITANT REZONE AGREEMENT

THIS AGREEMENT is made and entered into this 25 day of February 1994, ~~1993~~, by MARTIN R. SWARTZ, hereinafter referred to as "Owner" or "Contract Owner," and CITY OF LYNNWOOD, hereinafter referred to as "Lynnwood," or "City of Lynnwood," or "City."

COPY

RERECORD TO
AMEND EXHIBIT E.

WITNESSETH:

9404150155

A. WHEREAS, the Owner is the title holder of certain real property located on the north side of 196th Street SW west of 68th Avenue West, located in the City of Lynnwood, the same being described as follows and referred to as the "entire property:"

See Attached Exhibit A.

B. WHEREAS, the Owner, Martin R. Swartz, has applied to the City of Lynnwood for a Rezone of the southerly 200 feet of said property described in Exhibit A from RS-8 Single Family Residential (eight thousand four hundred square feet) to RMM Medium Density Multiple Residential District; property is herein called the "Contract Area" and described as follows:

See Attached Exhibit B-1 and B-2.

Exhibit B-1 is referred to herein as the "Multi-Family Property."

Exhibit B-2 is referred to herein as the "Swartz Residence Property."

Together, B-1 and B-2 are referred to as the "Subject Property," the "Rezone Area," or the "Contract Area."

C. WHEREAS, the Owner intends as part of this Agreement to rehabilitate and preserve the Swartz residence; and

D. WHEREAS, the City of Lynnwood designates the subject property for Multiple Family use by the City of Lynnwood Comprehensive Plan; and

E. WHEREAS, the Owner's rezone application for rezone to Multiple Residential with concomitant rezone agreement is consistent with the City of Lynnwood Comprehensive Plan and conforms to the Multiple Residential requirement of Title 18 LMC; and

F. WHEREAS, a rezone application has been reviewed by the Lynnwood Planning Department; and

G. WHEREAS, the Contract Owner and Lynnwood have together agreed upon the terms and conditions of this Concomitant Zoning Agreement; and

H. WHEREAS, Lynnwood has the authority under the laws of the State of Washington and the Washington State Constitution to enter into agreements to promote the health, safety and welfare of its citizens and thereby control the use and development of property within its jurisdiction; and

I. WHEREAS, Lynnwood encourages preservation of historically or culturally significant buildings, such as the Swartz residence, as stated in the Lynnwood Policy Plan at policies 9.11.01, 9.11.02, 9.12.01, and 9.13.02; and

J. WHEREAS, Owner acknowledges that the Swartz residence is historically and culturally significant and should be preserved; and

K. WHEREAS, Lynnwood would not enter into this Agreement but for Swartz' agreement with respect to rehabilitation and preservation of the Swartz' residence, according to the terms and conditions of this Agreement.

AGREEMENTS

NOW THEREFORE,

In the event that the City Council of City of Lynnwood finds that the proposed Rezone of the Contract Area, as specified above, does not adversely affect the public health, safety and general welfare, and that the Rezone is justified by sufficient changes in the character of the surrounding area, and in consideration of the City Council's granting the Rezone, and for so long as the Contract Area remains rezoned to RMM Classification, the Contract Owner and Lynnwood hereby covenant and agree as follows:

1. Parties. This Agreement is tendered by the Contract Owner to the City (together, "the Parties") and accepted by the City, and all Parties agree it is applicable to the Parties to this Agreement, their heirs, successors and assigns, both as to duties and benefits. The terms of the Agreement shall be specifically enforceable in law and in equity by the City.

2. Contract Area Defined. This Agreement shall apply to the Contract Area, legally described on Exhibit B which constitutes the Rezone Area.

3. Future Development Permits. The City shall be under no obligation to issue to Contract Owner, heirs, successors or assigns a building permit or other permits for improvements, structures or uses upon any of the properties in the Contract Area unless such improvements and/or uses comply with the terms of this Agreement and the applicable ordinances in effect at the time of any application for said permits. Nothing herein shall be construed as superseding said laws and regulations, and all provisions of the Lynnwood Municipal Code as amended shall apply, except as specifically modified herein.

4. Covenants Run With Land. This Agreement and each part of it shall be considered covenants running with the land in the Contract Area and shall be binding on the Contract Owner, their heirs, successors and/or assigns.

5. Concomitant Covenants and Conditions. In consideration of the City's Rezone of the Contract Area from its zoning designation of RS-8 to RMM, Contract Owner and the City covenant to comply with the terms and conditions attached hereto as Exhibit C (the "Conditions") and incorporated by reference as if set forth in full.

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6. Future Amendments. Contract Owner, their heirs, successors or assign, or the City may apply or initiate to amend or terminate the provisions of this Agreement to change the zoning of the Rezone Area; provided any action changing the zoning of the Rezone Area does not affect the rights and obligations set forth in this Agreement, so long as the time limits set forth in this Agreement are met. Said action to change or terminate the provisions and covenants or to rezone said property shall be heard in the normal manner at appropriate public hearing as any other application for a rezone of property in the City of Lynnwood; provided, however, that minor changes within the scope of the Agreement may be made by written agreement of individual Parties and the City Administration and do not require a formal action, hearing or approval by the Planning Commission or City Council. Such action to amend or terminate the provisions by either party shall not release Contract Owner, heirs, successors or assigns from the obligations assumed under this Agreement, unless and until such action shall be duly approved by the City.

7. Attorney's Fees. In the event that a suit is brought to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorneys's fees including those on appeal.

8. Waiver. Partial waiver or waiver by acquiescence by the City of any covenant or condition or restriction of this agreement shall not be a waiver of any other covenant, condition or restriction of this Agreement.

9. Recording. This Agreement shall be filed in the records of the Snohomish County Auditor for the purpose of subjecting the property to the restrictions, conditions and limitations herein set forth which are intended and shall have the force and effect of deed restrictions and shall be deemed to be covenants running with the land and binding upon the Owner, successors and assigns. Contract Owner shall pay all costs of recording this Agreement and such recordation shall be a condition precedent to Contract Owner exercising any rights under the terms of this Agreement.

10. Enforcement. Any violation of this agreement by the Owner, successors or assigns, shall be considered a violation of the City of Lynnwood Zoning Code and shall be subject to all applicable penalties.

11. Construction of Agreement. This agreement is concomitant with the action of the City of Lynnwood rezoning the property to the RMM Classification. Nothing herein shall be construed as being agreed to in consideration for said rezone, nor does the City relinquish its legislative power with respect to said rezone in consideration of this agreement.

12. Effective Date. This agreement shall be effective upon final approval by the City of Lynnwood of the rezone of the property to the RMM Classification, or the signature date of this agreement, whichever is later.

13. Severability. It is further expressly agreed that in the event any covenant, condition or restriction herein contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way effect any other covenant, condition or restriction herein contained.

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IN WITNESS WHEREOF, the Owner has caused these presents to be executed in its name on the date and year first above written.

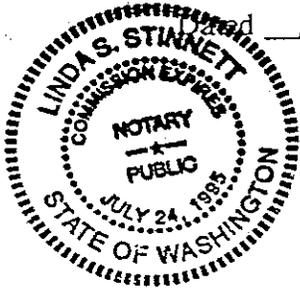
OWNER:

Martin R. Swartz
MARTIN R. SWARTZ

STATE OF WASHINGTON)
)
County of Snohomish King) :SS.

I certify that I know or have satisfactory evidence that Martin R. Swartz is the person who appeared before me and signed this instrument and acknowledged it to be the free and voluntary act of said person for the uses and purposes mentioned in the instrument.

February 25, 1994



Linda S. Stinnett
NOTARY PUBLIC for the State of Washington
Printed Name: Linda S. Stinnett
Residing at: Seattle
My Commission Expires: 7-24-95

ACCEPTED BY CITY OF LYNNWOOD:

Lisa Robert
MAYOR OF THE CITY OF LYNNWOOD

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

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Exhibit A
Entire Property

The South 661.31 feet of the east half of the west half of the southeast quarter of the southwest quarter of Section 17, Township 27 North, Range 4 East, W.M.;

Except the south 30 feet thereof conveyed to Snohomish County for road by deed recorded under Auditor's File Number 144479.

Situate in the County of Snohomish, State of Washington.

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Exhibit B

Exhibit B - 1

Multi-Family Property (Lot 15)

THE SOUTH 230.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M.; EXCEPT THE EAST 83.00 FEET OF THE WEST 213.00 FEET OF THE SOUTH 198.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M.;

ALSO,

EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 144479.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Exhibit B - 2

Swartz Residence Property (Lot 14)

THE EAST 83.00 FEET OF THE WEST 213.00 FEET OF THE SOUTH 198.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 NORTH, RANGE 4 EAST, W.M.;

ALSO,

EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 144479.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

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EXHIBIT B

Exhibit C

Agreement on Concomitant Covenants and Conditions

The Contract Owner and the City covenant and agree that the following conditions of the Concomitant Rezone Agreement apply to the use and development of the Contract Area effective on the date of the Ordinance approving the rezone or the date of signature of this Agreement, whichever is later.

1. Maximum Units. The Owner agrees that use of the Contract Area (property described in B-1 and B-2) shall be restricted to development of not more than eighteen (18) units of housing (counting the Swartz residence as one unit of housing), provided, if Owner rehabilitates and preserves the Swartz residence subject to the terms and conditions of this Agreement, then Owner shall be entitled to develop a total of twenty-two (22) units of housing (counting the Swartz residence as one unit of housing).

2. Rehabilitation of Swartz Home. Owner shall perform rehabilitative and restorative work on the Swartz residence according to the terms and conditions set forth on Exhibit D, to preserve, restore, and rehabilitate the structure as a single family housing unit, or for such other uses as are permitted by the terms of this Agreement.

3. Completion of Swartz Rehabilitation As a Condition Precedent to Obtaining Building Permits for 21 Units. Completion of the requirements for rehabilitation and issuance of a Certificate of Occupancy or final inspection by the City for the Swartz residence are a condition precedent to Lynnwood's issuance of a permit for up to 21 units of multi-family housing for the property described in Exhibit B-1.

4. Time For Completion.

4.1 Owner agrees to submit building permit applications, and to secure building permits, and commence construction on the Swartz residence within nine (9) months of any rezone to RMM, unless prevented by strikes, acts of God, or governmental review or controls. Owner further agrees to complete construction on the Swartz residence within six (6) months of the date necessary permits are issued. If construction is not commenced or completed within the time limit set forth, then the City Council may or may not, in Lynnwood's sole discretion, grant an extension of the time of completion, or institute proceedings to have the property reclassified. If Lynnwood chooses to review the zoning,

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10:37am 11/18/93 (gh)

EXHIBIT C

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Owner agrees to take no further action to perform any construction on the property described in B-1 or B-2, except as authorized by Lynnwood, giving consideration to protection of existing improvements or securing the site.

4.2 For development on property described in B-1 (Multi-family Property), Owner agrees to submit building permit applications, and to secure building permits, and commence construction within three (3) years of any rezone to RMM. Owner further agrees to complete construction within one (1) year of the date necessary permits are issued. If construction is not commenced or completed within the time limit set forth, then the City Council may or may not, in Lynnwood's sole discretion, grant an extension of the time of completion, or institute proceedings to have the property reclassified. If Lynnwood chooses to review the zoning, Owner agrees to take no further action to perform any construction on the property, except as authorized by Lynnwood, giving consideration to protection of existing improvements or securing the site.

4.3 If Owner fails to meet the time limit set forth in paragraph 4.1 or 4.2, or any extension granted by the City Council, the Owner agrees and acknowledges:

(1) The Owner, successors, and assigns would not oppose or object to any rezone proceeding to rezone the property described in Exhibits B-1 and B-2 to Low Density Multi-Family Residential District (RML), and

(2) The property described in Exhibit B-1 and Exhibit B-2 would be considered together as a single site and be subject to binding site plan approval and/or single site agreement in the event of any application for future development on either property described in B-1 or B-2. The City or Owner may record a document with the County Auditor referencing this restriction, and

(3) A maximum of eighteen (18) housing units would be allowed for the combined area of B-1 and B-2, or otherwise as established by appropriate zoning.

5. Additional Requirements on Owner. That portion of the contract area occupied by the Swartz residence, and legally described in Exhibit B-2, is subject to the terms and conditions set forth in Exhibit E entitled Declaration of Covenants and Conditions Running with the Land. Exhibit E shall be executed by the Owner contemporaneous with the execution of the Concomitant Zoning Agreement, and be held by the City Attorney's office, and be recorded contemporaneous with the passage of the Ordinance approving the rezone.

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3:40pm 11/17/93 (gh)

EXHIBIT C

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6. Rehabilitation of Swartz Residence. Upon rehabilitation and restoration of the Swartz residence, Lynnwood shall record with the County Auditor a statement to that effect, and to the effect that property described in B-1 (Multi-Family Property) is no longer subject to any restrictions with respect to the Swartz residence, thereby releasing the Owner, and Owner's successors and assigns from further obligation with respect to the Swartz residence, excepts as set forth in Exhibit E.

7. Application for Historical Designation. Upon rehabilitation and restoration of the Swartz residence, Owner agrees to apply for public historic designation of the Swartz residence. Nothing herein prevents Lynnwood from enacting historic designation ordinances that apply to the Swartz residence.

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Exhibit D

Swartz Residence Rehabilitation List

At a minimum the following items shall be performed in a workmanlike manner on the Swartz residence, with the result that the Swartz residence becomes refurbished and structurally intact, with systems operating in reasonable order, and retains its historical and cultural character:

Exterior - paint and restore to maintain historical significance

Interior - paint and repair

Dryrot - remove and replace

Heating System - repair and/or replace to meet minimum health and life safety standards

Electrical System - repair and/or replace to meet minimum health and life safety standards

Plumbing - repair and/or replace to meet minimum health and life safety standards

Foundation System/Structural Supports - repair to conform to minimum seismic requirements

Roof - replace and/or repair as required

Install a smoke detector system in accordance with Chapter 12, Uniform Building Code

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Exhibit E

Declaration of Covenants and Conditions Running With The Land (Swartz--City of Lynnwood)

This Declaration of covenants and conditions running with the land is made this 25
day of February, 1994 by MARTIN SWARTZ ("Grantor").

Recitals

A. Swartz is the owner in fee of the following described property:

See attached Exhibit B-2

Said property is referred to as the "Subject Property."

B. Said property is the subject of a rezone application to the City of Lynnwood under file No. 93-RZN-0004. This declaration is made pursuant to and in consideration of the terms of a Concomitant Zoning Agreement between Swartz and the City of Lynnwood dated February 25, 1994. The declaration shall remain effective regardless of any future change in zoning for the property subject to the Concomitant Zoning Agreement.

C. Swartz desires to impose restrictions affecting the subject property, which restrictions shall run with the land.

IT IS HEREBY DECLARED that Swartz, by these covenants and declarations, does make, establish, confirm, and hereby impresses upon the Subject Property the following covenants and conditions to run with the land, and does hereby bind himself, and all future grantees, assigns, and successors to said covenants and conditions as follows:

1. Preservation of Residence. The subject property shall be used for the existing single family residence, and no other use, and no replacement, alteration, or repairs shall be allowed except as provided in this Agreement, provided Owner may apply by Conditional Use Permit for other uses permitted in the Medium-Density Multiple-Family District (RMM), or any subsequent zone.

2. Maintenance, Alteration, and Repairs. The residence on the Subject Property shall be maintained in good order. All maintenance, and any alteration or repair, shall be consistent with preserving the historical and architectural character of the structure.

3. Dispute Resolution. Any dispute or issue in connection with whether or not repairs, alterations, or maintenance are being performed, or being performed in a manner consistent with the historical and architectural character of the structure, shall be determined by the City, subject to appeal to the City's Hearing Examiner in the same manner as appeals

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3:53pm 11/17/93 (lea)

EXHIBIT E

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from administrative determinations, as set forth in the Lynnwood Municipal Code, as amended.

4. Insurance. Grantor, and all future grantees, assignees, and successors, agree to maintain insurance on the premises on a replacement cost basis, so as to provide insurance to replace the residence, or portions of the residence, damaged or destroyed by casualty or fire. Said insurance shall provide extended coverage, including casualty from earthquake. Grantor, all future grantees, assigns and successors, shall provide necessary information to allow replacement coverage to be place.

a. Grantor shall deposit and maintain a sum not less than \$1,200⁰⁰ in an interest bearing account at Seattle First National Bank, Lynnwood, or successor, provided, said account shall be blocked, and the account shall be established so that the bank agrees that it will freeze and hold the sums pursuant to this Agreement, and further that it will release all or a portion of the sums to Lynnwood on written demand by Lynnwood to do so.

b. The deposit requirement shall approximate one (1) times the annual cost of the required insurance. The amount of deposit shall be increased or decreased accordingly.

c. The insurance policy shall contain a provision that the policy shall not be cancelled except upon 30 days written notice to the City of Lynnwood at the following address:

City of Lynnwood
P.O. Box 5008
Lynnwood, WA 98046-5008
ATTN: Mayor

d. The insurance company shall be licensed to do business in the State of Washington.

e. In the event the policy lapses, or the City is notified of an impending lapse, the City shall be entitled to withdraw from the funds on deposit any amounts required to pay for continuing insurance coverage.

f. Grantor's obligation to maintain insurance and the minimum funds on deposit are secured by a lien on the property and is subject to foreclosure according to paragraph 8.

5. Other Laws. Nothing herein shall be construed as superseding or affecting any laws or regulations, and all provisions of the Lynnwood Municipal Code, as existing or amended, shall apply, except as specifically modified herein.

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6. No Representation by Lynnwood as to Condition. Nothing herein shall be construed as placing any obligation on Lynnwood to inspect the residence, or as constituting any representation by Lynnwood with respect to the condition of the residence. Owner, and all future grantees, assigns, and successors, shall be deemed to have inspected and taken or purchased the residence to their satisfaction, without reliance on anything in these Covenants and Conditions.

7. Covenants Running With the Land. These covenants and conditions, including benefits and burdens, shall run with and bind the land and are binding on and shall inure to the owners, their respective legal representatives, heirs, successors, tenants, and assigns, in perpetuity.

8. Lien and Enforcement. The obligations and provisions set forth in the Declaration of Covenants and Conditions shall constitute a lien and restriction on the subject property. If any owner, or anyone having an interest in the subject property, or their heirs, successors or assigns, shall violate or attempt to violate the covenants and conditions established herein, then any person or the City may prosecute any proceedings at law or in equity against any person, firm or corporation violating or attempting to violate these covenants and conditions, either to prevent him or her or them from so doing or to recover damages for such violation. In addition, in the event of a breach of any of these conditions and covenants by Grantor, future grantees, assignees, and successors, the City of Lynnwood shall be entitled to foreclose said lien in the manner provided for foreclosure of mortgages in the State of Washington. The lien shall be subordinated to purchase money mortgages or deeds of trust.

9. Construction. This instrument shall be given a reasonable construction so that the intention of the Grantor is carried out. The rule of strict construction does not apply to this instrument.

10. Attorney's Fees. In the event that suit is brought to enforce any of the provisions of these Covenants and Conditions, the prevailing party shall be entitled to reimbursement of all costs for said litigation together with a sum for reasonable attorney's fees.

///

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DATED: February 25, 1994

Martin Swartz
MARTIN SWARTZ

STATE OF WASHINGTON)
)
County of ~~Snohomish~~ King) : ss.

I certify that I know or have satisfactory evidence that Martin Swartz signed this instrument, and acknowledge it to be his free and voluntary act and deed for the uses and purposes therein mentioned.

Dated this 25th day of February, 1994.



Linda S. Stinnett
NOTARY PUBLIC for the State of Washington
Printed Name: Linda S. Stinnett
Residing at: Seattle
My Commission Expires: 7-24-95

BOB TERWILLIGER AUDITOR
SNOHOMISH COUNTY, WASH

94 APR 15 09:46

RECORDED

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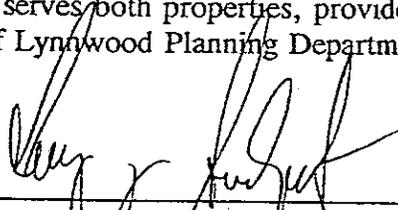
Exhibit E

Amendment to the Declaration of Covenants and Conditions Running With The Land (Swartz--City of Lynnwood)

This Amendment is based on Lynnwood City Council approval of the modification of Paragraph 1 "Preservation of Residence" of the Declaration of Covenants and Conditions Running with the Land previously entered into on February 25, 1994 by MARTIN SWARTZ ("Grantor"), and recorded on April 15, 1994 under Auditor's File No. 9404150155. Paragraph 1 "Preservation of Residence" is hereby amended to read as follows.

1. Preservation of Residence. The subject property shall be used for the existing single family residence, and no other use, and no replacement, alteration, or repairs shall be allowed except as provided in this Agreement, provided Owner may apply by Conditional Use Permit for other uses permitted in the Medium-Density Multiple-Family District (RMM), or any subsequent zone.

Nothing in this Agreement shall prevent the use of the subject property (Swartz Residence Property) for the purpose of locating active recreation area and facilities and refuse and recycling area for the adjacent Multi-Family project, and locating a portion of the access road on the subject property that serves both properties, provided the same is subject to approval in writing by the City of Lynnwood Planning Department.



LARRY J. SUNDQUIST
DATED: 3-16-96



MIKE D. ECHELBARGER
DATED: 3-20-96

STATE OF WASHINGTON)
: ss.
County of Snohomish)

I certify that I know or have satisfactory evidence that Larry J. Sundquist signed this instrument, and acknowledge it to be his free and voluntary act and deed for the uses and purposes therein mentioned.

Dated this 12th day of March, 1996.



Loree Beth Quade
NOTARY PUBLIC for the State of Washington
Printed Name: Loree Beth Quade
Residing at: Everett
My Commission Expires: July 1, 1999

STATE OF WASHINGTON)
: ss.
County of Snohomish)

I certify that I know or have satisfactory evidence that Mike D. Echelbarger signed this instrument, and acknowledge it to be his free and voluntary act and deed for the uses and purposes therein mentioned.

Dated this 20th day of March, 1996.



Loree Beth Quade
NOTARY PUBLIC for the State of Washington
Printed Name: Loree Beth Quade
Residing at: Everett
My Commission Expires: July 1, 1999

cc: Cutts



June 12, 2003

Mayor Mike McKinnion
City of Lynnwood
PO Box 5005
Lynnwood WA 98036

RE: Request for Revision in Concomitant Rezone Agreement-Copper Ridge-93PLT-004

Dear Mayor McKinnion,

After discussion with Mr. Cutts, it was suggested we make a formal application for a revision to the Concomitant Rezone Agreement (CRA).

Nearly 10 years ago, we started with a simple 2-page CRA that rapidly blossomed into a 14 page document. This was a part of our redevelopment of property containing the oldest structure in the city. We were allowed the right to develop up to 22 units on the property as long as we preserved the 1895 Swartz Residence. For these nearly 10 years, these funds have sat unused in a bank. The basic agreement was that we would rehab the old house and, in exchange, be granted the right to build 22 units (RMM) instead of the 18 allowed under RML. Once we rehabbed the house, the city no longer had the right to take back the zoning of RMM (see Exhibit C item 6). So, the purpose of the \$1200 was to insure the city we would actually rehab the house and protect it from peril during our ownership and not simply build the condos...and have/ let the old house burn or be destroyed in some manner. After we had the condos built, had we allowed the house to be destroyed or torn down one weekend when no one was looking, the city could go to the insurance policy and have it rebuilt.

We request item 4 a. be deleted from the CRA and the bank account be released by the city.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike Echelbarger", written over a horizontal line.

Mike Echelbarger

CC: Larry Sundquist.

**Lynnwood Planning Commission
Meeting of July 24, 2003**

Staff Report

Agenda Item: I

Upcoming Commission Meetings

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

- The following schedule is for planning purposes – subject to adjustments.

July 10 Meeting Cancelled

July 24 Public Hearing: Development Regulations – Residential Zones
Informal Meeting: CZA Amendment – Copper Ridge Subdivision
Work Session: None

August 14 Public Hearing: TBA
Work Session: Development Regulations – Phase 2 (continued)

August 28 Public Hearing: TBA
Work Session: Zoning Code Amendment – New P-2 zone, etc.

Sept. 11 Public Hearing: TBA
Work Session: Development Regulations – Phase 2 (continued)

Sept. 25 Public Hearing: TBA
Work Session: TBA