

*Lynnwood Planning Commission*  
**Meeting of August 14, 2003**

## Staff Report

**Agenda Item: E - 1**

### **Development Regulations – Residential Zones**

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

Lynnwood Dept. of Community Development — Staff Contact: Dennis Lewis, Senior Planner

### **BACKGROUND:**

The Planning Commission held a public hearing on July 24, 2003 to take testimony on staff proposed amendments to LMC Chapter 21.42, Residential Zones. The hearing covered two groups of amendments and they are summarized in a following section. No testimony was received on Amendment 2 and the Planning Commission completed review and deliberation on that group of amendments, and decided to recommend adoption to the City Council. Written testimony on Amendment 1 was received just prior to the start of the public hearing from David Toyer of the Master Builders Association. Since there was too little time for the Planning Commission and staff to read and understand the written comments on Amendment 1, it was decided to continue that part of the public hearing to August 14, 2003. The continuance gives the Commission and staff time to review and consider the material. It also offers another opportunity for Mr. Toyer to personally appear before the Commission and discuss the comments he has submitted.

Staff has now had an opportunity to review and consider Mr. Toyer's comments on the RSH zone proposal and is ready to give an initial response. Following is a listing of the main points raised and staff commentary on each point. We can respond to questions from either Mr. Toyer or Commissioners at the continued hearing to cover any points not adequately covered.

- **50% maximum lot coverage is a severe limitation on a 4,000 sq. ft. lot** – This is not a problem. The basic setbacks for a 50x80 lot will yield a buildable area of 2,000 sq. ft. Keep in mind that lot coverage doesn't include driveways, sidewalks, decks, etc.
- **Wall thickness, dead-space, decks, etc. figure into the total footprint of a house and the limitations will be too limiting** – Not significant enough to worry about. Mr. Toyer is thinking "large house". We're thinking "small house". Using Toyer's example of a 1,400+ sq. ft. footprint, and adding a second story over the garage could yield a 3,350 sq. ft. house. That's too large for this sized lot and we shouldn't even try to accommodate something that large. A house half that size would be plenty large for a 4,000 sq. ft. lot.
- **"The excessive application of these sorts of prescriptive development standards can be a root cause for poor design."** – The development standards are

minimal, objective, and easy to understand and follow. Whether they are excessive or not might be debatable but there's no reason to expect poor design as a result. Remember too that these regulations permit greater flexibility by utilization of the planned unit development process.

- **Lenders require a 3:1 ratio between value of the house and value of lot** – That may be a rule-of-thumb but not always the case, particularly in master planned developments that are constructed all at one time. Even so, the design of development regulations can't speculate on the trends in land and housing value. A small house is not necessarily a cheap house.
- **Allow reductions in traditional bulk standards to increase flexibility and promote innovative design** – Utilization of the planned unit development process should provide the increased flexibility sought.
- **Allow for total front and side yard setbacks to promote diverse elevations** – This is not necessary since the minimum setbacks allow siting flexibility in direct application. Again, should even greater flexibility be needed for a particular design the planned unit development process is available.
- **Eliminate gross floor area requirement** – Already eliminated.
- **Allow up to 60% maximum lot coverage on lots smaller than 5,000 sq. ft.** – This is not necessary since the required setbacks of the smaller lots wouldn't allow that level of coverage anyway.
- **Allow 40 ft. lot widths** – Already included in the proposed regulations. Street frontage width may be as little as 25 ft., but lot width is proposed to be 40 ft.
- **Modify garage setbacks to encourage side-loading and shared driveways** – The garage setback of 20 ft. allows most cars and pick-up trucks to be parked in the driveway without hanging over the sidewalk or property line. Bringing the living part of the house to the front is intended to be an aesthetic and social improvement. Shared driveways haven't been popular in Lynnwood and aren't encouraged.
- **Reduce rear yard setback to 4 ft. to encourage use of alley access garages** – Reducing the rear setback will further reduce an already small back yard and may not encourage alley access to garages. It's not likely that new developments will have alley access. If a developer wants to do that, he can ask for approval of the concept and adjustment of setbacks through the planned unit development process.
- **Allow front porches in the front yard setback** – Already included in the proposed regulations.

Several additional amendments have been included in the RSH zone proposal since the last Planning Commission meeting. These additions result from further discussion with current planning staff. The additions are listed in the following bullet points.

- **One acre minimum** – The minimum size for an area to be zoned RSH is established as one acre. The small lot high density development is not intended for single lot development. That could create some incompatible neighborhood situations. The intent is to make sure that there is a sufficient area to allow for a well designed project area.
- **No detached garages** – No detached garages will be permitted in the RSH zone. Allowing detached garages will simply consume too much open space.
- **Limitation on accessory structures** – Accessory structures will be limited to a total of 200 sq. ft. in floor area. This size lot is not appropriate for larger floor areas for accessory structures. And, larger accessory structures could and have been illegally converted to living space.

Attention should be called to the provision for a density bonus in the RSH regulations through the planned unit development process. This will require an amendment to the current PUD regulations. It is staff's intention to propose such an amendment to the PUD regulations when we get to that part of the regulatory update process. In the meantime, the density bonus feature of the RSH zone would not be effective.

### **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 Residential Chapters.** The amendment would create separate chapters for single-family and multiple-family uses. Planning Commission action was taken on this amendment on July 24, 2003, with a "do pass" recommendation to the City Council.

### **RECOMMENDATION:**

Take public testimony on the proposed amendments to include a new RSH zone and make related changes LMC Chapter 21.42. Close the hearing. Deliberate and decide whether the Planning Commission is ready to act on making a recommendation to the City Council on the proposed amendments.

### **ATTACHMENTS:**

- Addition of new RSH zone to Chapter 21.42.
- Written testimony from David Toyer, Master Builders Association.



**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

Use	RS-8L	RS-7M	RSH	RML	RMM	RMH
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	<u>P</u>	P	P	P
Mini-Day-Care Programs	-	-	<u>C</u>	P	P	P
Office Uses+	-	-	=	C	C	C
Park and Pool Lots+	C**	C**	<u>C**</u>	C	C	C
Professional and Business Offices	-	-	=	-	-	-
Public Parks	P	P	<u>P</u>	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	<u>C</u>	C	C	C
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	<u>C</u>	C	C	C
Wireless Communications Facility Attached (not permitted on residential structures)	P	P	<u>P</u>	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	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	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.

Standard	RS-8L	RS-7M	RSH	RML	RMM	RMH
Arterial Street						
<b>Minimum Side Yard Setbacks – Interior Lot</b>						
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
<b>Minimum Rear Yard Setback</b>	25 ft.	25 ft.	15 ft.	25 ft.	25 ft.	25 ft.
<b>Maximum Lot Coverage by Buildings</b>	35 percent	35 percent	50 percent	35 percent	35 percent	45 percent
<b>Maximum Building Height</b>	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. A minimum area for the application of the RSH zone shall be one acre. 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 façade 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.

8. Detached garages are not allowed.

9. Accessory structures are limited to a total amount of 200 square feet in floor area.

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)

E-1-23

**Dennis Lewis**

---

**From:** David Toyer [DToyer@mbaks.com]  
**Sent:** Thursday, July 24, 2003 4:23 PM  
**To:** Dennis Lewis  
**Cc:** Ron Hough; James Cutts  
**Subject:** High Density Single Family Zone Proposal  
**Importance:** High

Dennis,

I am sorry that I can't attend tonight's Planning Commission meeting. I finally just got a chance to take a quick glimpse at your proposed high density single family zone proposal. While I haven't studied the proposal in detail, MBA is supportive of such efforts. I am a bit concerned about the development/design standards aspects of the proposal. We have experience in working on several small lot development standards issues in the past few years and we've developed some comments (I am attaching one to this e-mail and the other I will fax to you at 771-6585). We believe, if followed, these suggestions will help promote more innovative, diverse and quality designs for small lot single family developments. While I see you are incorporating some of the suggestions in this proposal, looking over our suggestions as a whole may be helpful during your consideration. Please do not hesitate to contact me if you or the Commissioners have any questions.

Thank you for your time.

<<LYNNWOOD ATTACH 1.doc>>

**David K. Toyer**

*Snohomish County Manager*

**Master Builders Association**

**of King and Snohomish Counties**

335 116th Avenue SE, Bellevue 98004

425-451-7920 (p) 425-646-5985 (f)

dtoyer@mbaks.com -- www.masterbuildersinfo.com

# ATTACHMENT 1 – Master Builders Association

July 24, 2003

## Mandating the Perfect Box: How Lot Coverage and Other Standards Limit Design

Using a 4,000 square foot lot and applying a 50% maximum building coverage, the maximum building coverage allowed by the City would be 2000 square feet. A two car garage under the City's proposal would be 550 square feet, a pronounced entry way in accordance with the proposed design requirements would likely range from 50 to 100 (possibly more) square feet, and an average sized deck consists of approximately 80 square feet – totaling 730 square feet. Now, subtract from the 2,200 square foot maximum the 730 square feet and you are left with approximately 1,470 square feet as the footprint for the bottom floor of the main structure. In order to get to the actual square footage for living space, you would have to subtract out an additional amount to account for the thickness of walls, dead space, and etc. Moreover, the 1,470 square feet is often a "theoretical" maximum square footage because of setback requirements, gross floor area requirements, floor area ratios and the topography/geography of today's infill sites. The excessive application of these sorts of prescriptive development standards can be a root cause for poor design.

The "market" dictates that a buyer is not going to spend a significant amount of money for a very small home on a very expensive piece of land. That is because the buyer traditionally associates the value of the house based on its physical features, the amenities provide within (finish work) and most importantly the amount of living space. Moreover, for financing purposes lenders require that builders maintain a 3:1 ratio between the value of the house and the value of the lot. Thus, as lots get more expensive in jurisdictions like Lynnwood, flexibilities are still needed to achieve adequate home sizes to satisfy the price points of the market. Moreover, those flexibilities help promote more innovative design.

In order to encourage better design, the City should consider flexible standards such as:

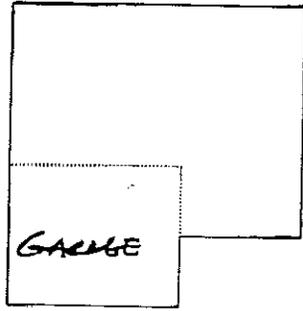
- Allowing reductions in traditional bulk standards to increase flexibility and promote innovative and attractive design
- Allowing for total front and side yard setbacks to promote diverse elevations that de-emphasize garages and eliminate the "tunnel" look of some residential streetscapes – this is an alternative to requiring garages to be setback from the front façade of the home (SEE Attachment 2)
- Eliminating gross floor area as a requirement (if applicable)
- Allowing up to a maximum lot coverage of 60% on lot sizes less than 5000 square feet
- Allowing for 40ft lot widths
- Allowing modification of garage setbacks to encourage side-loading garages or shared driveways
- Allowing reductions in rear yard setbacks to 4ft to encourage the use of alley accessed garages
- Allowing front porches in the front yard setback

Lot Size (square foot)	Lot Coverage (at 40%)	Lot Coverage (at 60%)
5000	2000	3000
4000	1600	2400
3000	1200	1800

# PRESCRIPTIVE SETBACK/BUILDING ENVELOP EXAMPLE

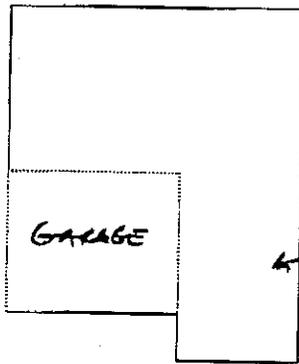
Attachment 2

A



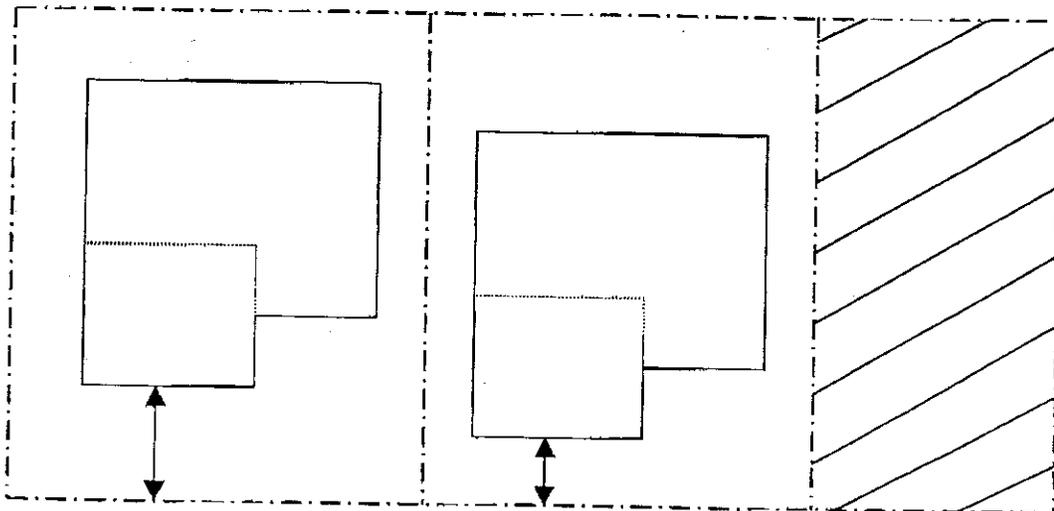
THIS IS ONE OF THE MOST MARKETABLE HOME LAYOUTS. UNLIKE "B" BELOW, THERE IS MORE "LIVING SPACE." THIS LAYOUT CAN STILL HAVE A "DE-EMPHASIZED" GARAGE, USING TOTAL SETBACKS (LIKE IN "C" BELOW), OR OTHER DESIGN FEATURES LIKE PORCHES THAT CAN EXTEND INTO THE FRONT SETBACK.

B



REQUIRING THAT A GARAGE BE SETBACK FROM THE FRONT OF THE HOME CREATES AN ELONGATED "HALLWAY" THE HOMEBUYER PAYS FOR, BUT CAN'T RELY ON AS "LIVING SPACE." THIS PRODUCT ISN'T AS MARKETABLE.

C



ALLOWING A TOTAL FRONT/REAR YARD SETBACK PROVIDES VARIABILITY IN LAYOUT WITHOUT IMPACTING THE BUILDING ENVELOP. THIS HELPS TO DE-EMPHASIZE THE GARAGE.

*Lynnwood Planning Commission*  
**Meeting of August 14, 2003**

## Staff Report

Agenda Item: H-1

### **PRC Sign Regulations Code Amendment**

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

Lynnwood Dept. of Community Development — Staff Contact: Lee Michaelis 425.670.6642 *JAM*

#### **Recommendation:**

The staff recommends that the Planning Commission discuss the proposed amendments to the sign regulations for the Planned Regional Center Zone. Following the public hearing on August 28, 2003, the Planning Commission will be asked to recommend this code amendment to the City Council.

#### **Background:**

The Planned Regional Center (PRC) zone encompasses Alderwood Mall and several of the shopping centers surrounding it, please see Attachment A for the boundaries of the PRC zone. As part of refurbishing the existing Mall buildings and site improvements, together with expanding the Mall, owners of the Mall have asked the City to review the sign regulations for the Mall. Conceptually, the need for this review arises from two factors:

1. Current sign regulations for the PRC zone do not allow signage that is permitted in other commercial zones.
2. The Mall is such a large development (about 75 acres), with so many tenants (over 130 stores) that existing sign regulations do not adequately address the needs of the Mall and its future tenants for identification. New anchor tenants and restaurants will be freestanding and will not have the benefit of wall signs and freestanding signs already allowed in other zones.

The Comprehensive Plan includes the following two policies regarding signs:

**"Policy LU-8.15:** The number, size and height of signs shall provide for business and product identification while creating an aesthetically pleasing visual environment.

**"Policy LU-8.16:** Signs shall be designed and placed on a site in a way that provides an integrated development appearance and is aesthetically pleasing as viewed from the street and surrounding properties."

The update of sign regulations in 2000 made only limited changes to sign regulations in the PRC zone. The focus of attention was on signs in the other commercial zones. The purpose of this amendment is to make the PRC zone consistent with other commercial zones regarding allowable signage. In addition to the PRC zone sign regulations, staff is

proposing updating regulations regarding the Scope and Exclusions portion of the Sign Code (LMC 21.16.200).

**Draft Code Amendment:**

Attached, as Attachment B, is the current regulations regarding signs within the PRC zone. Currently, Identification, Wall, Real Estate, and Construction Signs, are allowed within the PRC zone. The proposed amendment would make changes to the regulations regarding Identification Signs and Wall Signs only. The other two types of signs are already consistent with other commercial zones.

**Identification Signs**

Identification signs are freestanding signs that identify the shopping center in which they are located; they cannot advertise individual tenants.

At present, the only identification signs allowed are monument or pole signs; the number of signs is restricted to the number of public streets abutting the property. Alderwood Mall is limited to three identification signs. Monument signs are limited to 65 square feet in area and must be at least 10-feet away from the property lines. Poles signs may be up to 75 square feet in area, but are required to be at least 35 feet from the property line.

The proposed amendment would change the title from Identification Signs to Free Standing Signs. This would allow the mall to list major tenants along with identifying Alderwood Mall. Major tenants could be defined by square footage of the retail store (i.e. stores over 20,000 square feet could be listed). The Planning Commission should consider allowing major tenants to be advertised on freestanding signs, and whether there should be a limit on the number of tenants or let the allowable square footage dictate the number of businesses listed. Not all 130 (eventually over 200) tenants will be allowed to advertise on freestanding signs.

The amendment would also allow multiple signs to be located along a street frontage rather than limiting the number to one. The number allowed would be calculated using the same formula used in other commercial zones. This would allow Alderwood Mall to have entry signs at all six entry driveways.

**Wall Signs**

At present, wall signs are only allowed on those elevations areas that are defined as "building frontages".

The Mall ownership has asked to amend the current sign regulations to allow signs to be located on all sides of a commercial building (consistent with all other commercial zones). The Planning Commission should consider whether to limit the area of allowable signs to be consistent with other commercial zones, or allow more sign area because of the size of the project.

**Internal Information Signs**

These signs are intended to be viewed by the public within a business site and must be oriented away from the street. The current regulations read that, if these signs are not readable from the public street, than they are not regulated as signs. Because of the size and layout of Alderwood Mall and surrounding properties zoned PRC, to achieve the

intent of internal information signs, specifically directional signs, these signs within the PRC zone may be oriented toward and readable and from entry driveways. These signs will be counted toward the number of freestanding signs allowed in the PRC Zone.

Because of the size of the Alderwood Mall expansion and the number of tenants listed on directory signs, it is advisable to make these signs readable from the street. Making these readable from the street allows for drivers to read the sign upon entering the site and determining where they need to drive. Making these tenant listings smaller requires drivers to slow or stop and read the listing and then proceeding to their destination. This slow driving on major access roads would impact the flow of traffic on site as well as on the adjacent public streets.

### **Signs Directed Away From Public Streets And Parking Lots**

Currently the sign regulations exclude signs or displays not visible from streets, rights-of-way, sidewalks, adjacent property parking lots, or other areas to the public.

The proposed amendment would revise the language in the exclusion to allow signs on buildings that front areas that are open to the public for the purpose of gathering such as plazas and larger courtyards. These areas would serve predominantly pedestrians and not vehicles.

### **Environmental Review:**

The Environmental Review Committee is reviewing the draft amendment. A threshold determination is expected to be issued prior to the Public Hearing on August 28.

### **Upcoming Scheduling:**

The Planning Commission is scheduled to hold a Public Hearing on this item at the August 28 meeting. Upon completion of the hearing the Planning Commission will be asked to make a recommendation to City Council.

### **Attachments:**

- A. Boundary Map of the PRC Zone.
- B. Current Sign Regulations regarding the Planned Regional Center Zone.
- C. Draft Code Amendment.



# Boundary Map of the PRC Zone



# Boundary Map of the PRC Zone



# Current Sign Regulations-Planned Regional Center Zone.

## 21.16.320 Signs in planned regional shopping center zone.

Only the following signs are permitted, subject to the following limitations:

- A. Identifications Signs. Signs identifying the shopping center are permitted; however, the number shall not exceed the number of public streets abutting the property. Such signs may be either monument or pole signs and shall be subject to the setback, sign area and height regulations of LMC 21.16.310.
- B. Wall Signs. Wall signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(B), except wall signs are only allowed on building frontages.
- C. Real Estate Signs. Real estate signs shall comply with the regulations of LMC 21.16.310(I).
- D. Construction Signs. Construction signs shall comply with the regulations of LMC 21.16.280.

## 21.16.310 Commercial signs.

This section concerns business signs, and applies in all commercial zones except the planned regional shopping center zone. Only those signs which do not conflict with regulations contained in this and other Lynnwood Municipal Code titles, and which are consistent with the definition of a business sign in LMC 21.02.672, are permitted subject to the following standards. The word "street," as it appears in this section, shall not include I-5, I-405, SR-525 or the Snohomish County PUD right-of-way.

### A. Freestanding Signs.

#### 1. Pole Signs.

- a. Area. The total allowable sign area for pole signs on individual and multiple business sites that qualify for one pole sign shall be 75 square feet plus one-half foot for each lineal foot of street frontage over 250 feet. Any one pole sign shall be no more than 150 square feet in area per side.

On business sites which qualify for more than one pole or monument sign, per subsection (B) of this section, the total allowable sign area per street frontage shall be calculated at 75 square feet plus one-half square foot for each lineal foot over 250 feet. No pole sign face shall exceed 155 square feet in area. On business sites with both pole and monument signs, the total area of such signs oriented toward a particular street shall not exceed the maximum sign area based on that street's linear frontage, except on multiple business sites and sites with pole signs at least 50 feet from the street. See subsection (A)(2) of this section for calculation of monument sign area. The allowable sign area shall be computed separately for each street frontage, and only the sign area derived from the street frontage along a street may be oriented toward that street. The allowable sign area for a pole sign located at a corner shall be derived from the one street frontage it is oriented toward. Only one face of a double-faced sign shall be considered in computing its area, providing both sides pertain to the same business.

- i. Additional Area for Multiple Business Sites. Multiple business sites shall be allowed an additional 20 square feet of freestanding sign area for each business in excess of one up to a total of 80 square feet of additional pole sign area per multiple business site. Such additional sign area shall not be used to increase the sign area of any business beyond that amount which would be allowed if located in an individual business site of the same size as the multiple business site. Sign structures containing this additional sign area shall be constructed in such a way to be easily modified to reflect changes in the number of tenants on the site. Any multiple business site which is at least 150,000 square feet in lot area and contains at least 10 separate businesses shall be allowed one additional freestanding sign for identification of the site generally. Such signs shall not exceed 160 square feet in area.

- ii. Additional Area for Pole Signs at Least 50 Feet from a Street. For all pole signs located at least 50 feet from a street, sign area may be increased five percent for each 10 feet the sign is from the street, up to a maximum of 200 square feet of total sign area per sign.
- b. Number of Pole Signs. Along each public street abutting an individual or multiple business site, that site may have one permanently installed pole sign per the following schedule. However, on corner sites where two pole signs would be spaced less than 250 feet apart as measured in a straight line, only one sign shall be allowed.

Street Frontage per Street Pole	Signs Allowed
1 – 300 feet	1
301 – 600 feet	2
601 – 900 feet	3
901+ feet	4

On sites with less than 300 lineal feet of street frontage on one street or corner sites where two signs would be less than 250 feet apart as measured in a straight line, additional pole signs may be allowed by conditional use permit; provided, that such signs are in keeping with the intent of this title.

Whenever a conditional use permit for additional pole signs is considered, the hearing examiner may require that the height, area, and/or specific dimensions of signs be reduced and/or the setback from property lines be increased.

Sites which qualify for additional pole signs may substitute ground signs for those additional pole signs.

- c. Location, Height and Design Criteria for Pole Signs.
  - i. Location. The setback for pole signs along public streets shall be as provided below:
    - (A) Pole signs shall be located more than 35 feet from the street right-of-way.
    - (B) Pole signs shall be located at least 100 feet from adjacent I-5, I-405, and SR-525 boundaries. Pole signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps. Pole signs shall be located at least 10 feet from any side or rear property line and 25 feet from any property line adjacent to a residential zone.

These limitations do not apply to non-illuminated private traffic direction signs directing traffic movement within a business site, not exceeding four square feet in area for each sign, or traffic directions painted on the surface of a parking lot or driveway.
  - ii. Height. Pole signs shall comply with the height regulation for monument signs depending on their distance from the street up to a maximum of 25 feet in height above the average ground level at the base of the sign for all commercial zones. Pole signs may be 30 feet high if located within 500 feet of I-5, I-405 or SR-525 boundaries and at least 100 feet from a public street. However, pole signs shall not be higher than 20 feet on property separated from the above freeways by a public street. The height of signs may be further limited by the maximum height for buildings specified in the respective zone. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections of the sign shall not exceed 20 feet in height if visible from those properties.
  - iii. Design Criteria. Pole signs shall meet the following design criteria and criteria indicated on Figure 3 of this chapter:
    - (A) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.

(B) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.

(C) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raise curb that surrounds and protects the landscape area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

2. Monument Signs.

a. Area. Maximum monument sign area shall be 35 square feet at the minimum setback from the street right-of-way and an additional 2.0 square feet for each one foot back from the minimum setback line measured perpendicular to the street, up to a maximum of 75 square feet per side.

b. Number of Monument Signs. The total number of monument, ground and pole signs on a business site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b) of this section.

c. Location, Height and Design Criteria for Monument Signs.

i. Location. The leading edge of monument signs shall be located at least 10 feet from the street right-of-way; at least 10 feet from any side property line and at least 25 feet from any property line adjacent to a residential zone.

Monument signs shall be located at least 100 feet from adjacent I-5, I-405 and SR-525 boundaries. Monument signs shall be located at least 100 feet from the Snohomish County PUD right-of-way where it is adjacent to I-5. This requirement does not apply to signs located adjacent to freeway on-ramps and off-ramps.

Monument signs shall not be located within a triangular area at street intersections or street and driveway intersections formed by two points measuring 20 feet back from the point where the two street right-of-way lines merge or a street right-of-way line and edge of driveway merge and extending a line that connects these two points to complete the triangle. (See Figure 4 of this chapter.)

ii. Height. Monument signs shall be no more than 6.5 feet high at the minimum setback from the street right-of-way and one additional foot in height for each 1.5 feet back in a perpendicular line from the street. The maximum height for monument signs shall be 25 feet for all commercial zones. Monument signs may be 30 feet high if located within 500 feet of I-5, I-405, SR-525 boundaries and at least 100 feet from a public street. However, monument signs shall not be higher than 25 feet on property separated from the above freeways by a public street. When signs are located on sites within 100 feet of residential-zoned property, illuminated sections shall be no more than 20 feet in height if visible from those properties.

iii. Design Criteria. Monument signs shall meet the following design criteria and criteria shown on Figure 5 of this chapter:

(A) The sign shall be located so it does not interfere with the visibility of drivers, pedestrians, bicyclists riders or others at intersections, driveways, bike lanes, crosswalks, or other places of ingress or egress.

(B) The sign exterior shall consist of materials and colors that minimize reflection capabilities and are similar and complementary to those of the primary buildings on the property where the sign is located. The sign and support or base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time.

(C) The design of the sign and base or support shall be similar and complementary with the architecture of the primary buildings on the property where the sign is located.

(D) The sign base shall be surrounded by a single landscape area that is at least two feet wide between the sign base and raise curb that surrounds and protects the landscape

area. The landscape area shall include evergreen plant material and may also include other materials, such as brick pavers or decorative planters.

## B. Building Signs.

### 1. Wall Signs.

- a. Area. The total allowable sign area for each business for signs attached to a building frontage including mural signs shall be 60 square feet, or one square foot for each lineal foot of building frontage, whichever is greater, up to a maximum of 200 square feet. However, wall signs that comply with the Sign Design – Creative/Artistic Elements Guidelines of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), may be allowed up to a 30 percent increase in wall sign area. Businesses may have up to 10 square feet of sign area to place on a directory sign on any facade of the building where they are located, except in no case shall the maximum sign area exceed 15 percent of a building facade considered building frontage. See Figure 2 of this chapter and LMC 21.02.358 to determine building frontage.

On other building facades not considered frontage, the maximum sign area shall be one-half square foot for each lineal foot of building facade or 100 square feet, whichever is smaller. Wall signs on building facades that are oriented toward adjacent property zoned residential shall not be illuminated.

The allowable sign area shall be computed separately for each building facade. Sign area shall not be transferred from one facade to another. Only one face of a double-face sign shall be considered in computing its area, providing both sides pertain to the same business. For purposes of determining sign area, awning signs are part of the sign area allowed for signs attached to buildings.

- b. Height. Wall signs shall not extend higher than one foot above the wall to which they are attached.
- c. Transfer of Allowed Area from Freestanding Signs to Signs Attached to Buildings. Freestanding sign area may be applied to signs attached to buildings provided, however, that such area be apportioned equally to all tenants and shall only be transferred to a building frontage. A record of any such transfer must be filed with the planning department. The maximum wall sign area per building facade with transfer shall be 400 square feet or 10 percent of the building frontage area to which the sign is attached, whichever is smaller.

### **21.16.200 Scope and exclusions.**

This chapter applies to all signs erected or altered within the city of Lynnwood. The following signs or displays are exempt from the regulations of this chapter:

- A. Traffic, bicycle or pedestrian control signs or signals and signs used by the public works department as permitted by other city regulations;
- B. Building address numbers;
- C. Signs on the inside of buildings with doors closed and signs on the inside of windows;
- D. Regulatory, informational, identification or directional signs installed by, or at the direction of, a government entity;
- E. Signs required by law; however, not all signs required by law are exempt, for example, gasoline price signs;
- F. Official public notices or official court notices;
- G. Signs or displays not visible from streets, rights-of-way, sidewalks, adjacent property, parking lots or other areas open to the public;
- H. The flag of government or noncommercial institutions such as schools;

- I. Structures intended for separate use such as phone booths and recycling containers; provided, that no advertising oriented to the public right-of-way is attached to such structures;
- J. Reasonable seasonal decorations within a recognized public holiday season;
- K. Sculptures, fountains, mosaics, murals, building architecture, design features and other works of art that do not incorporate business identification or commercial messages;
- L. Historic or commemorative site markers or plaques; and
- M. Lettering or symbols painted directly onto or flush-mounted magnetically onto a licensed and operable motor vehicle operating in the normal course of business.

# Draft Code Amendment

## 21.16.320 Signs in planned regional shopping center zone.

Only the following signs are permitted, subject to the following limitations:

- A. ~~Identifications Signs. Signs identifying the shopping center are permitted; however, the number shall not exceed the number of public streets abutting the property. Such signs may be either monument or pole signs and shall be subject to the setback, sign area and height regulations of LMC 21.16.310.~~ Freestanding signs. Freestanding signs are allowed, provided such signs shall be subject to the regulations of LMC 21.16.310(A).
- B. ~~Wall Signs. Wall signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(B), except wall signs are only allowed on building frontages, except that wall signs on facades not considered building frontage are calculated similar to those wall signs on facades with building frontage; one square foot for each lineal foot of building frontage, up to a maximum of 200 square feet.~~
- C. Electronic Changing Message Signs. Electronic Changing Message signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(D)
- D. Internal Information Signs. Internal information signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(E), except that such signs in the Planned Regional Shopping Center zone may be oriented toward and readable from the street if located more than 50 feet from the property line. The number of Internal Information signs is limited to the number of driveways an individual or multiple business site has.
- E. Temporary Commercial Event Signs. Temporary Commercial Event signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(G)
- F. Searchlights. Searchlights are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(H)
- ~~G.G.~~ Real Estate Signs. Real estate signs shall comply with the regulations of LMC 21.16.310(I).
- ~~D.H.~~ Construction Signs. Construction signs shall comply with the regulations of LMC 21.16.280.

## 21.16.200 Scope and exclusions.

This chapter applies to all signs erected or altered within the city of Lynnwood. The following signs or displays are exempt from the regulations of this chapter:

- A. Traffic, bicycle or pedestrian control signs or signals and signs used by the public works department as permitted by other city regulations;
- B. Building address numbers;
- C. Signs on the inside of buildings with doors closed and signs on the inside of windows;
- D. Regulatory, informational, identification or directional signs installed by, or at the direction of, a government entity;
- E. Signs required by law; however, not all signs required by law are exempt, for example, gasoline price signs;
- F. Official public notices or official court notices;
- G. Signs or displays not visible from public streets, rights-of-way, sidewalks, adjacent property, adjacent property parking lots or other areas open to the public that are predominantly intended for use by pedestrians and not vehicles;
- H. The flag of government or noncommercial institutions such as schools;

- I. Structures intended for separate use such as phone booths and recycling containers; provided, that no advertising oriented to the public right-of-way is attached to such structures;
- J. Reasonable seasonal decorations within a recognized public holiday season;
- K. Sculptures, fountains, mosaics, murals, building architecture, design features and other works of art that do not incorporate business identification or commercial messages;
- L. Historic or commemorative site markers or plaques; and
- M. Lettering or symbols painted directly onto or flush-mounted magnetically onto a licensed and operable motor vehicle operating in the normal course of business.

