

AGENDA

Lynnwood Planning Commission

Thursday, April 12, 2007 — 7:00 pm
City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

- A. Call to Order** Chair DECKER
 Commissioner AMBALADA
 Commissioner DAVIES
 Commissioner ELLIOTT, First Vice-chair
 Commissioner PEYCHEFF
 Commissioner WRIGHT
 Commissioner WOJACK, Second Vice-chair
- B. APPROVAL OF MINUTES:**
1. March 22, 2007 Planning Commission meeting
- C. COUNCIL LIAISON REPORT:**
- D. CITIZEN COMMENTS** – on matters **not** on tonight's agenda.
- E. PUBLIC HEARING:** None Scheduled
- F. WORK SESSION:**
1. Comprehensive Plan Amendments – Royalwood MHP
First review of a request by Royalwood Mobile Home Park to change its Plan designation and zoning from Medium-density Single-family to High-density Single-family. This ten-acre park is located at 18501 – 52nd Avenue W.
2. Zoning Code Amendments – Signs
First review of proposed changes to Chapter 21.16 (Signs) of the Lynnwood Municipal Code primarily to address signs in the public right-of-way.
- G. BUSINESS:**
- H. DIRECTOR'S REPORT & INFORMATION:**
1. Upcoming Commission Meetings
- I. ADJOURNMENT**

The public is invited to attend and participate in this public meeting. To request special accommodations for persons with disabilities, contact the City at (425) 670-6613 at least 24 hours prior to the meeting.

**Lynnwood Planning Commission
Meeting of April 12, 2007**

Staff Report

**Agenda Item: F-1
Comprehensive Plan Amendment –
Royalwood Mobile Home Park
(2007CPL0001)**

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

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

OWNER/APPLICANT:

Royalwood LLC

Contact: B. Tony Branson or Don Shaw
% Olsen Law Firm PLLC
604 W. Meeker Street, Suite 101
Kent WA 98032

PROPOSAL:

The applicant requests a Comprehensive Plan amendment and rezone to reflect the actual, long-standing use of the subject property. The density of the mobile home park is about 9.2 units per acre, which is consistent with the high-density single-family designation and RS-4 zone. The request is as follows:

Plan: Change from SF-2, Medium-density Single-family (6 DU/ac.)
Change to SF-3, High-density Single-family (10 DU/ac.)

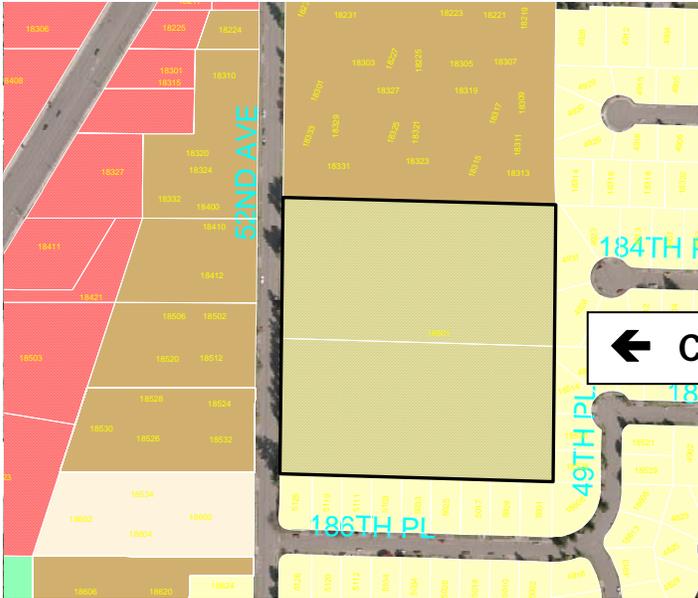
Zone: Change from RS-7 (Residential 7,200 sq. ft.)
Change to RS-4 (Residential 4,000 sq. ft.)

LOCATION:

Address: 18501 – 52nd Avenue W., Lynnwood WA
Parcel No: 00373400200700 and
00373400200800

SITE:

Size: 9.65 acres
Use: 89 unit mobile home park



← Current Zoning RS-7

PROCESS:

A formal application has been received. It asks the City to amend its Comprehensive Plan Map from Medium-density Single-family to High-density Single-family for Royalwood Mobile Home Park. The Planning Commission will review the request with staff at this work session. The applicant may attend and provide additional or clarifying information, at the commission's discretion. This is not a public hearing so testimony in support or opposition will not be taken. More than one work session may be necessary and the commission should feel free to ask questions and request additional information that may be necessary to make an informed recommendation. If the needed information is not readily available, staff may have to do additional research and provide the information at a future meeting.

The Comprehensive Plan reflects the City's long-range vision and intended direction over the next twenty years. Zoning implements the Plan through the application of districts (zones), each of which has its own set of land use and development regulations. To ensure that plans are implemented, State law requires zoning to be consistent with the Plan. The Comprehensive Plan leads the way. If a change to the Plan Map is approved, a similar change is made to the Zoning Map to maintain consistency. In this case, the focus will be on changing the Plan from medium-density single-family to high-density. If that change is found to be appropriate and in the best interests of the City, the implementing zone (RS-4) will also be approved.

The Planning Commission's work sessions will take place during April and May. Public hearings on all of this year's proposals will be held on June 14 and 28. The hearings will be widely advertised and the public will have ample opportunity to comment. The Commission will listen to all the comments. After the hearing is closed, the Commission will deliberate and forward its recommendations to the City Council.

All plan amendment proposals are subject to SEPA review to determine their possible impacts on the environment. SEPA Checklists have been prepared and will be reviewed by the City's Environmental Review Committee (ERC) in May. The decisions of that committee will be made prior to the Commission's June recommendations.

Amendment proposals will also be distributed to various City departments and outside agencies for their comments, which will also be made available to the Commission. Later in the process, and at least 60 days prior to the City Council's final decisions, the proposals and Commission recommendations will be sent to various state agencies for their review and comment.

In July and August, the City Council will consider the Commission's recommendations, study the proposals in work sessions and conduct its own public hearings. Final decisions on all proposals are scheduled for September.

RECOMMENDATIONS:

During the work sessions, staff and the Commission will review and discuss the proposed amendments, ask questions and suggest modifications. A recommendation from staff will be offered later in the process, but prior to the final deliberations and recommendations to the City Council.

ISSUES:

- A. The applicant feels that this amendment will promote the public safety and welfare of the City because it promotes the City's stated goal to address housing issues and, specifically with respect to mobile home and manufactured home parks, of upgrading designation to meet current codes.
- [**Note:** The existing mobile home park is a legal use in the RS-7 zone. It may change and modernize at its current density of 10 units per acre. The Commission might ask the applicant to elaborate on the rationale related to upgrading to meet current codes. There are obvious density advantages for redevelopment, but the advantages to preservation of this park are not so clear.]
- B. The applicant feels that the Plan amendment would achieve the goal of preserving a manufactured home park for City residents. Further, the SF-3 designation (RS-4 zone) would be consistent with the actual use of the property as a manufactured home park.
- [**Note:** The SF-3 designation allows smaller lots and higher density for single-family developments. While the RS-4 zone allows a density similar to that of Royalwood Mobile Home Park and allows manufactured home developments, the zone was not designed to preserve mobile home parks.]
- C. The City Council adopted a new **MH-1** Comprehensive Plan designation for mobile home parks and directed the preparation of a mobile home park zone to help preserve existing parks as important affordable housing. The City is discouraging the premature redevelopment of existing parks and wants to provide incentives for their continuation. How will this proposal align with those intentions?
- D. Royalwood is currently "locked in" (by City code) at its current density of 10 units per acre. A subdivision created under RS-4 zoning (4,000 sq. ft. lots) would yield about the same number of units, which is about 40 more than would be allowed in a new subdivision under the current RS-7 zoning. Thus, the proposed change would have little, if any, effect on the existing park but would have significant redevelopment benefits.
- E. The SF-3 designation can only be applied to existing mobile home parks within one-quarter mile of Highway 99. Two mobile home parks that meet that criteria were designated SF-3 in 2003. Kingsbury West applied for the designation in 2004 and was also approved. Royalwood is similar to those parks in location, size, age, value and other characteristics. No evidence has been presented to indicate that this park is different in any significant way to the other parks, nor that a development of "conventional" homes would be any less appropriate at this location than the existing mobile home park – at a similar density.

APPROVAL CRITERIA:

A proposal may be approved only if it meets all of the following criteria:

The SF-3 designation may only be applied to:

- Existing mobile home parks.

- Within one-quarter mile of Highway 99.

A. The proposal is consistent with the provisions of the Growth Management Act and will not result in Plan or regulation conflicts.

- This proposal has no apparent conflicts with the Growth Management Act, nor with any other state goals, policies or legal requirements.
- The Plan designation (SF-2) and Zone (RS-7) of Royalwood Mobile Home Park are currently consistent.

B. The proposal will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents.

- The proposed change will increase the development options for the property by allowing a small lot subdivision to replace the mobile home park. The overall density would be similar but the intensity of development may not be if the senior park is replaced by a neighborhood of young families.
- The change will not require a physical change. The property may continue as a mobile home park or it may transition into a single-family "conventional" development as allowed by the zone.
- No significant adverse impacts on sensitive areas, businesses, or residents in the surrounding area are likely. It's likely that traffic will continue to use 52nd Avenue with little additional impact to neighborhood residential streets.

C. The proposed amendment can be accommodated by all applicable public services and facilities, including transportation.

- Initial review indicates that all needed utilities and services are either at the site or can be provided, depending on the type and style of future development.
- Vehicular access to the site comes from 52nd Avenue and, depending on the style of future redevelopment, this change is not expected to have a significant effect on future traffic volumes.

D. The proposal will help implement the goals and policies of the Lynnwood Comprehensive Plan.

- The proposal is generally consistent with most goals and objectives of the Comprehensive Plan. The applicant feels the long-term result will benefit the City by providing a greater ratio of single-family housing to multi-family housing.

E. If the proposal could have significant impacts beyond the Lynnwood City Limits, it has been sent to the appropriate Snohomish County officials for review and comment.

- The applicant anticipates no significant impacts beyond the City limits.



**Lynnwood Planning Commission
Meeting of April 12, 2007**

Staff Report

Agenda Item: F-2
Zoning Code Amendments - Signs
(2006CAM0004)

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

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

APPLICANT:

- City of Lynnwood – Dept. of Community Development

ANTICIPATED ACTION:

- Staff briefing and initial discussion only – no action necessary at this meeting.

BACKGROUND:

In recent years, the City has had to deal with some difficult sign code enforcement problems, particularly related to portable “A-board” signs and other signs in the public right-of-way. Some of our regulations tend to discriminate or are otherwise unfair and possibly unconstitutional.

In early 2006, staff drafted revisions to correct some of these problems. Real estate signs, other signs in the right-of-way and signs carried and/or waved by people along arterial streets were targeted. Some of the proposed changes were similar to regulations in other cities that were being challenged and, therefore, our proposals were put on hold pending the outcome of those court cases.

The changes described herein were drafted by staff and reviewed and modified by the City Attorney. This is the Planning Commission’s first review and commissioners are encouraged to bring questions and comments to the meeting. A second work session will be scheduled later this spring.

PROCESS:

- Planning Commission’s first work session and discussion on April 12.
 - Public hearing conducted to accept public comments.
 - Recommendation forwarded to City Council.
 - City Council studies the matter, conducts its public hearing and takes action.
-

RECOMMENDATIONS:

- Review the proposed amendments and ask questions of staff.
- Suggest changes, additions or modifications.
- Direct staff to schedule another work session or public hearing.
- Recommend City Council adoption of the sign code revisions.

PROPOSED AMENDMENTS

Sign regulations are contained in Chapter 21.16 of the Lynnwood Municipal Code. Changes are proposed to only a couple sections of the chapter, but most of the chapter is attached so that the Planning Commission can get a good understanding of the various components of the chapter and the different types of signs that are allowed in the City's zones.

A-board signs

Sandwich board and A-board signs have been enforcement problems for several years. Small portable A-board signs are often placed in the public right-of-way, on sidewalks and in landscaped areas. The code prohibits "portable and temporary signs," with some exceptions. In commercial zones, "portable business signs" are allowed within eight feet of the building but not on sidewalks, drive aisles, parking lots, etc. Businesses often violate these conditions, but A-board signs are popular and not a problem when properly placed. After considering a prohibition on all portable signs, including A-boards, it was decided to leave the current regulations in place and put a greater emphasis on education, since not all businesses are aware of the limitations.

To level the playing field, sections that currently allow signs for the off-premise advertising of yard sales, real estate, etc. in residential zones is proposed to be removed from 21.16.290.

Sandwich Board Signs

The City occasionally receives complaints about people walking along major arterial streets (usually 196th Street or Highway 99) carrying or waving signs and trying to attract the attention of motorists. This is both an annoyance and a safety concern. The City can't prohibit this type of advertising, but it can set standards and requirements.

A new section 21.16.225 is proposed to deal more effectively with sandwich board signs. If approved, it will require a permit, a \$500 bond, and will set size and other standards for the sign and how it's carried. It would also prohibit the bearer of the sign from waving, shouting, distributing advertising or otherwise disrupting traffic.

The Commission is being asked to review the proposed changes (strike-through and underlined) and bring comments to the April 12 work session.

Chapter 21.16 SIGNS

Sections:

21.16.050	Purpose.
21.16.100	Definitions.
21.16.200	Scope and exclusions.
21.16.210	General sign regulations.
21.16.220	Prohibited signs.
21.16.230	Decorative murals.
21.16.240	Flag poles.
21.16.250	Nonconforming signs.
21.16.260	Civic banners and signs.
21.16.270	Political signs.
21.16.280	Construction signs.
21.16.290	Residential signs.
21.16.300	Signs in the public and semi-public zone.
21.16.310	Commercial signs.
21.16.320	Signs in planned regional shopping center zone.
21.16.330	Signs in industrial zones.
21.16.340	Signs in mixed use/transit supportive/business zone.

21.16.050 Purpose.

The control of signs in areas adjacent to city streets and roadways and within commercial, industrial and residential areas, is hereby declared to be necessary to promote the public health, safety, welfare, convenience, and enjoyment of public travel in the city and to insure that information of interest to the public is presented safely and effectively and to protect the living environment for residents in the city and the quality of the commercial and industrial environment for businesses.

The sign regulations contained in this chapter are necessary to further a legitimate and compelling public interest by regulating the use of signs on public and private property and accomplish the following objectives:

- A. To encourage the effective and creative use of signs as a means of communication in the city;
- B. To improve pedestrian and traffic safety by reducing signs or advertising distractions and obstructions that contribute to limited site visibility;
- C. To maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- D. To minimize the possible adverse effect of signs on nearby public and private property;
- E. To enable the fair and consistent enforcement of these sign regulations; and
- F. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area that will assist in creating a more attractive environment. (Ord. 2310 § 42, 2000)

21.16.100 Definitions.

See Chapter 21.02 LMC for sign definitions. (Ord. 2310 § 42, 2000)

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. (Ord. 2310 § 42, 2000)

21.16.210 General sign regulations.

- A. Permit, Permanency and On-Premises Requirements. Except as provided by other sections of this chapter, all signs shall be located on-premises and require issuance of a sign permit prior to placement. All signs shall be permanently installed except for those portable and temporary signs expressly permitted by other sections of this chapter.
- B. Illumination. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding properties.
- C. Structural Requirements. All signs shall comply with the pertinent requirements of the Uniform Building Code, Uniform Sign Code, and National Electric Code as adopted by the city, insofar as standards of construction are concerned, but this chapter shall govern the size, location, height and other features of signs.
The back sides of single-faced signs shall be covered and finished in such a manner that no braces or other structural elements are visible from public view. All signs shall be covered in such a way that light sources are not directly visible, except neon and electronic changing message signs.
- D. Maintenance. All signs shall be kept in good repair and maintained in a safe condition and any damage or deterioration including but not limited to missing sign faces, cabinet covers and sign components, damaged structural elements, and rust or peeling paint shall be repaired. Damaged or deteriorated signs shall be repaired within 30 days of notification by the city.
- E. Placement. No signs shall be fastened to trees, shrubs or rocks. No signs shall be fastened to telephone and utility poles, street lights or traffic control devices unless they are allowed pursuant to federal or state laws. (Ord. 2310 § 42, 2000)

21.16.220 Prohibited signs.

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

- A. Balloons.
- B. Banner signs except for those permitted in LMC 21.16.260 and 21.16.310.
- C. Pennants.
- D. Festoons.

- E. Revolving signs and signs with moving parts.
- F. Signs with flashing and blinking lights and signs with lights that go on and off sequentially except for electronic changing message signs.
- G. Portable readerboard signs.
- H. Off-premises signs except for those permitted in LMC 21.16.260, 21.16.270 and 21.16.290.
- I. Portable and temporary signs except for those permitted in LMC 21.16.260, 21.16.270, 21.16.290 and 21.16.310.
- J. Signs attached to vehicles that can be seen from the public right-of-way or adjacent property that do not have a current license or are inoperable. (Ord. 2310 § 42, 2000)

21.16.225 Off-premises sandwich board signs.

These portable signs are allowed in all zones, other than residential and public use zones, provided that all of the following conditions are met:

- 1. The signs are carried over the shoulder at all times.**
- 2. The signs are constructed of two faces joined together by shoulder straps. Each face shall be no larger than three (3) feet wide and five (5) feet high without moving parts or any lighting.**
- 3. The signs are never further than 100 yards from the business they advertise.**
- 4. The sign bearer shall not**
 - A. Distribute handbills, leaflets, or any other form of advertising, or orally solicit business from pedestrians or people in vehicles, or use audio/visual devices to broadcast music, commercial or entertainment.**
 - B. Wave at, shout at, or otherwise disrupt traffic or endanger pedestrian or traffic safety.**
 - C. Wear clothing with accoutrements, such as lights, pinwheels, flags, that are likely to distract traffic.**
 - D. Enter the street, except at designated crossings, and then only for the purpose of crossing the street. Whenever a sign bearer crosses a street, the bearer shall remove the sign from the bearer's shoulder and carry it in the bearer's arms.**
 - E. Block or force pedestrian traffic off of the sidewalk.**
- 5. Each business is allowed one sign, and the sign bearer may not carry any other sign.**
- 6. A sign may be borne off-premises only when the business that is advertised is open for business, and only between 9:00 am and 5:00 pm on Wednesday, Saturday and Sunday.**
- 7. As a condition of granting an off-premises sandwich board sign permit, each applicant shall post a \$500.00 cash bond with the City of Lynnwood's Department of Community Development, conditioned upon compliance with the requirements of this section.**

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21.16.230 Decorative murals.

-- No changes proposed --

21.16.240 Flag poles.

-- No changes proposed --

21.16.250 Nonconforming signs.

-- No changes proposed --

21.16.260 Civic banners and signs.

-- No changes proposed --

21.16.270 Political signs.

-- No changes proposed --

21.16.280 Construction signs.

-- No changes proposed --

21.16.290 Residential signs.

Only the following signs are permitted:

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

1. There shall not be more than one sign per dwelling unit;
 2. The maximum size of the sign shall be six square feet for a sign placed flat against the wall of a building, or six square feet and not more than 42 inches high for a freestanding sign;
 3. Freestanding signs shall be permanently installed and shall be set back a minimum of five feet from a right-of-way;
 4. There shall be no internal illumination of, nor external illumination directed at the sign;
- and
5. The components of the sign shall not be temporary or removable.

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

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

1. Do not exceed four square feet in area per side;
2. Are attached to a wall or mounted in the ground on the site where the sale would occur;
3. Are placed no more than one day prior to sale and removed within one day following sale;
4. Shall only be used for the sale of household goods and shall not be used for home occupations or any other residential or commercial purpose;

D. Real Estate Signs.

1. Signs advertising the sale, rental or lease of property, providing such signs:
 - a. Do not exceed 10 square feet per side, do not exceed five feet in height and are attached to a wall or mounted in the ground on the site for sale, rent or lease only so as to prevent such signs from becoming a hazard to pedestrians or motorists for individual developed single-family lots;
 - b. Do not exceed 32 square feet in area per side and subject to the location, number and height regulations of LMC 21.16.310(I) for the following: tracts of undeveloped land; tracts of partially developed land which may be developed at a higher density; and subdivisions; and
 - c. Are removed once the property and/or buildings being advertised are sold, rented or leased.

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

Deleted: . 5. Portable off-premises sale of household goods signs are allowed providing such signs:¶

. a. No more than three off-premises signs for sale of household goods are allowed. These signs may be located along the edge of street rights-of-way; however, they shall not be located on or overhang street pavement, street medians, sidewalks or any area where people walk, ride bicycles, drive or park vehicles;¶

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

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

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

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

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

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

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

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

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

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

E. Construction Signs. Construction signs providing such signs:

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

2. Do not exceed 32 square feet per side and comply with the regulations of LMC 21.16.280 for the following: tracts of undeveloped land; tracts of partially developed land that may be developed at a higher density; subdivisions and development in multiple-family zones. The above signs do not require a sign permit, but this exemption shall not relieve the owner of such signs from the responsibility for compliance with this section.

F. Residential Development or Institution Identification Signs. Ground signs which identify residential developments such as subdivisions and apartment complexes or institutional uses such as churches and schools providing such signs:

1. Are located within the development or site so identified;
2. Do not exceed one per street frontage;
3. Comply with the ground sign regulations in LMC 21.16.310 except for the regulation prohibiting removable letters; and
4. Such signs shall require a sign permit.

G. Signs for Offices in Multiple-Family Zones. There shall be no signs allowed except wall signs, ground signs, and building directories. All wall and ground signs shall conform to the requirements and criteria of LMC 21.16.310. All wall signs shall be noninternally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Wall signs on building facades oriented toward nearby residential zones shall not be illuminated. (Ord. 2449 § 3, 2003; Ord. 2310 § 42, 2000)

21.16.300 Signs in the public and semi-public zone.

-- No changes proposed --

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.

<u>Street Frontage per Street Pole</u>	<u>Signs Allowed</u>
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.

3. Ground Signs. The total number of ground, monument 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. However, one additional ground sign may be allowed to identify a business parking area that is not adjacent to the business site where the business is located and one additional ground sign may be allowed to identify an access driveway to a street not adjacent to the business site where the business is located.

All ground signs shall be subject to the following criteria:

- a. The sign is located to minimize interference with drivers' or others' visibility in intersection or at place of ingress or egress;
- b. The sign has no moving parts;
- c. The sign consists of materials and colors which minimize reflection capabilities;
- d. The sign components are securely attached to the sign structure and not temporary or removable;
- e. The sign shall not be internally illuminated, except for an individual letter sign or a sign with an opaque sign face background that only allows letters and/or business logos or graphics to be visible at night. Indirect lighting, if used, shall be uncolored, nonblinking, and directed away from traffic;
- f. The sign shall have a solid base that is not less than three-quarters of the width of the sign face;
- g. The sign shall be no more than 25 square feet in area;
- h. The sign shall be located at least five feet from the street right-of-way;
- i. The sign shall be no higher than 3.5 feet above the adjacent sidewalk or street curb;
- j. The sign exterior shall consist of materials and colors that are similar and complementary to those of the primary buildings on the business site. The sign and base shall be constructed of materials that are easily maintained and maintain their shape, color, texture and appearance over time; and
- k. The sign may be permanently attached to retaining walls and fences; however, such walls and fences shall be at least five feet from the street right-of-way.

Such signs may be located closer than five feet from the street right-of-way by conditional use permit, if it is found necessary or desirable in the public interest to locate the sign nearer to the right-of-way, and that it will not interfere with visibility as indicated above.

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.

2. Projecting, Marquee, and Nonrigid Awning Signs. Projecting signs shall not extend above the wall to which they are attached. Marquee signs shall not extend higher than the wall to which they are attached. Nonrigid awning signs shall not extend higher than the wall to which they are attached.

Projecting and marquee signs and nonrigid awnings shall be at least eight feet above any walkway and 16 feet above any area used by vehicular traffic. However, nonrigid awnings with signs may be placed at the top of garage bay doors unless contact by vehicular traffic is possible. Projecting signs on business sites shall not extend into the public right-of-way or adjacent property. Marquee signs shall not block windows or doorways. The area for projecting, marquee and nonrigid awning signs shall come out of the sign area allocation for the building facade they are attached to. Nonrigid awning signs shall have a maximum dimension of four feet from top to bottom. The sign area for nonrigid awning signs shall be the entire area of any nonrigid awning that projects less than three feet from a building. The sign area for all other nonrigid awning signs shall be the rectangular area around letters and/or graphics displayed on the nonrigid awning. (See Figure 1.) Projecting and marquee signs may be illuminated; however, they shall not be illuminated if oriented toward adjacent residential-zoned property.

3. Roof Signs. The planning director may approve the placement of one roof sign per building if it is determined that such a sign is necessary because permitted wall signs cannot be placed so as to be readable from the street closest to the building. Any roof sign approved by the planning director may only be mounted on any building if it complies with the building code or other city regulations. A roof sign shall not be higher than 10 feet above the roof deck and shall

be subject to the placement and design criteria described on Figure 6 of this chapter. The area of a roof sign shall come out of the sign area allocation for building facade closest to the sign. When roof signs are located on sites which have street frontage within 100 feet of residential-zoned property, illuminated sections shall not exceed 20 feet in height from the ground if visible from those properties.

C. Incidental Signs. Incidental signs, each not more than four square feet in area per side, do not require a sign permit and may be in excess of the allowable sign area providing they are attached to a building below the roof line, or if placed in the ground, are no more than three feet above grade, and at least five feet from the street right-of-way. No more than four such signs per business shall be located on a business site. Incidental signs less than three square feet in area shall not be counted as one of the four allowable signs or as part of the allowable sign area.

D. Electronic Changing Message Signs. No sign shall have blinking or flashing lights; provided, however, electronically changing message signs shall be allowed. These signs shall not change displays or images at a rate less than one every five seconds except for signs which provide alternate messages only as to times and temperature, which may change at a rate of not less than one message every two seconds. All such signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.

E. Internal Information Signs. Signs intended to be seen by the public within a business site, oriented away from the street and not readable from the public right-of-way and adjacent property shall not be regulated as signs. Such signs shall include but are not limited to internal directory signs, certain incidental signs and menu boards.

F. Portable Business Signs. Portable signs shall only be allowed within eight feet of any building where a business is located. There is no limitation on the number of such signs. However, these signs shall not be placed in the ground, on walkways, in parking areas, drive aisles, or anywhere that might block visibility or create a safety hazard.

G. Temporary Commercial Event Signs. Certain signs that are otherwise prohibited may be used for temporary commercial events. These events include any fair, show, festival, exhibition, party, rodeo, animal show, promotion, entertainment, tournament, parking lot sale, street or sidewalk sale, tent sale, street dance or other temporary activity of like character not defined as a carnival, circus or parade and which has been issued a city temporary special event license.

See Chapter 5.30 LMC for the number and duration of temporary events for which certain prohibited signs may be used. No more than two portable signs a maximum of six square feet per side and two banner signs shall be allowed. No other prohibited signs shall be allowed. Such signs are only allowed for temporary special events in commercial zones. Such signs shall not be placed without a temporary special event license. These signs shall only be placed on the property where the temporary event is to occur and only during the temporary event. These signs shall not be placed in the ground, on walkways, in parking areas, drive aisles, or anywhere that creates a safety hazard.

H. Searchlights. Searchlights shall only be permitted if they meet the following criteria:

1. That the duration of time for display of the searchlight shall not be more than 10 days;
2. That no permit for display of a searchlight shall have been approved for the same applicant during the six-month period prior to the most recent application;
3. That the searchlight be so located as to minimize interference of driver visibility at intersections or at points of ingress and egress;
4. That the searchlight be located 35 or more feet from the right-of-way; and directed away from traffic on nearby streets;

5. The intensity and color of light and the duration of its operation shall not constitute a nuisance as defined in LMC 10.08.200; and

6. That a fee of \$25.00 shall be paid in connection with any such permit.

I. Real Estate Signs. Signs advertising the sale, lease or rental of commercially zoned property on which the sign is located shall require a temporary sign permit. Such signs shall not be permitted unless a property, building(s) and/or tenant space(s) is for sale, lease or rent. Each such sign shall not exceed 24 square feet in area, and if freestanding, shall be set back at least six feet from the street right-of-way. Such signs shall not be placed where they can obstruct driver, bicyclist or pedestrian visibility. There shall be no more than one such sign per street corner or one per street frontage, whichever is less. Such signs shall be no more than 6.5 feet in height, shall not be illuminated and shall be removed once the property and/or buildings being advertised are sold, leased or rented. In addition, any such nonconforming sign shall require a permit and be made conforming by October 9, 2000.

J. Construction Signs. Construction signs for commercially zoned property shall comply with the regulations of LMC 21.16.280.

K. Signs in Restricted Business Zone. Signs shall comply with the following:

1. No roof signs shall be allowed;

2. No freestanding signs shall be allowed, except ground signs in accordance with the regulations of this section; and

3. Building signs shall comply with the regulations of this section. All building signs shall be non-internally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Signs on buildings facades oriented toward nearby residential zones shall not be illuminated.

L. Signs in the East 196th PCD Overlay.

1. Signs.

a. Objectives.

i. Signs shall be of high quality. It is recognized that individual businesses must be properly identified, but it is also recognized that signs should be the minimum necessary to provide such identification. Excessively large signs are recognized as being inconsistent with the existing character of the area and will be discouraged. While freestanding signs of high quality may be allowed for area identification, emphasis shall be placed upon use of building face signs where they will function as effectively as a freestanding sign. Where possible, signs shall be coordinated in scale and materials with those currently used on adjacent sites within the district.

b. Regulations. Signs shall be subject to the following:

i. No more than one freestanding sign per business site per street frontage;

ii. Sign area, location, height and design shall comply with the regulations of this section;

iii. Signs shall comply with the illumination regulations of this chapter;

iv. New pole or monument signs shall require a special use permit; however, new ground signs and building signs shall not require a special use permit;

v. Modification of existing signs that are part of a previously approved special use permit shall be subject to the regulations of LMC 1.35.180.

M. Sign Variances. Requests to relax standards of this section shall be processed as variances and shall meet all the criteria for granting of variances, unless otherwise provided for. In considering any application for a variance to relax the required setback for pole or monument signs, the hearing examiner shall take into account the following factors and all others in the public interest in determining whether special circumstances exist which warrant a variance:

1. The extent to which vegetation and/or topography of the subject and/or adjacent properties would obscure a pole sign at the required setback on the subject property; provided, that removal of the obstructing vegetation and/or topography is beyond the control of the owner of the subject property or contrary to city policies or ordinances.

2. The size of the subject property as it relates to possible locations for the proposed sign.

3. The extent to which nearby existing pole or monument signs located at less than the required setback would obscure a pole sign at the required setback on the subject property.

4. The extent to which visibility of the proposed sign might be enhanced by mounting the sign lower or higher (but not exceeding the required height limit) than nearby obstructions, rather than by reducing the required setback.

5. The width, alignment, and extent of improvement of the right-of-way toward which the proposed sign would be oriented, insofar as this determines the angle at which the sign would be viewed by the traveling public.

If the hearing examiner determines that a variance to relax a pole or monument sign setback is warranted, the examiner may require periodic review of any reduction granted and/or provisions for eventual relocation to the required setback if existing and anticipated future conditions so indicate. If provisions for relocation appear appropriate, the examiner may require installation of wiring and a foundation at the required setback concurrent with erection of the sign at a lesser setback and a bond or other suitable guarantee of relocation. (Ord. 2388 §§ 9, 10, 2001; Ord. 2310 § 42, 2000)

21.16.320 Signs in planned regional shopping center zone.

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

A. Identification 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, as defined by LMC 21.02.358.

Notwithstanding LMC 21.16.310(B), wall signs may be located on all elevations of a building only if that building is located on a building site, as defined by LMC 21.05.175, that has more than 50 acres in area. The total allowable sign area for all businesses with signs attached to the primary building frontage (as designated by the building owner) shall be one square foot for each lineal foot of building frontage, up to a maximum of 200 square feet. Sign area in the amount of 1.5 times the signage allowed on the primary building frontage may be distributed to the remaining elevations; provided, that no one elevation may have sign area exceeding the amount allowed on the primary building frontage.

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(H), and that electronic changing message signs shall be located such that they:

1. Are predominantly not visible from a public right-of-way.

2. Are located on a building elevation with a primary entrance and facing an area predominantly used by pedestrians.

3. Are located on a building that is part of a larger building site as defined by LMC 21.02.175 that has at least 50 acres in area.

D. Internal Information Signs. Internal information signs are signs intended to be seen by the public upon entering a business site to direct the circulation of traffic. Internal information signs shall include but are not limited to internal directory signs, incidental signs, and directional

signs. Such signs shall be located at least 50 feet from the public right-of-way. The number of internal information signs is limited to the number of driveways a business site has.

E. Searchlights. Searchlights are permitted, subject to the regulations of LMC 21.16.310(H). For the planned regional shopping center zone, the term "applicant" as stated in LMC 21.16.310(H)(2) shall be defined as the shopping center management or his/her designated representative and not an individual business or property owner. Searchlight permits within the planned regional shopping center zone shall only be issued to the applicant as defined above.

F. Real Estate Signs. Real estate signs shall comply with the regulations of LMC 21.16.310(I).

G. Construction Signs. Construction signs shall comply with the regulations of LMC 21.16.280.

H. Promotional/Entertainment Signs. Promotional/entertainment signs may be located in the PRC zone, provided such signs:

1. Are predominantly not visible from a public right-of-way.
2. Are located on a building elevation facing an area predominantly used by pedestrians.
3. Are located on a building site as defined by LMC 21.02.175 that has at least 50 acres in area.
4. Do not exceed 500 square feet each.
5. Do not cover more than 15 percent of a building elevation as a total of all signs allowed under this subsection. (Ord. 2467 § 1, 2003; Ord. 2310 § 42, 2000)

21.16.330 Signs in industrial zones.

A. Objectives. Permitted signs should be the minimum necessary for the expected business uses, and minimize light, glare, and other adverse sign impacts on nearby residences.

B. Signs. On transitional sites where a sign program has been established by development plan approval, new signs or modification of existing signs may be allowed per the limitations of the sign program or amendment thereto. (See LMC 1.35.180.) Only the following signs shall be allowed for new development on sites zoned industrial and shall be subject to the following regulations. Such signs do not require development plan approval.

1. Wall Signs at Transitional Sites.
 - a. All signs shall be of a uniform color and letter style compatible with building materials used elsewhere on the site;
 - b. There shall be not more than one sign per business;
 - c. The top of such signs shall not be higher than the top of the building;
 - d. The maximum sign area shall be per the regulations of LMC 21.16.310(B);
 - e. The signs shall not be internally illuminated and signs on building facades oriented toward nearby residential zones shall not be externally illuminated;
 - f. The signs shall be constructed with materials which minimize reflective capabilities;
 - g. Signs shall only be located on the building frontage; and
 - h. No roof signs shall be allowed.
2. Wall Signs at General Sites.
 - a. All signs shall be of a uniform color and letter style compatible with building materials used elsewhere on the site;
 - b. The top of such signs shall not be higher than the top of the building;
 - c. The maximum sign area shall be per the regulations of LMC 21.16.310(B);
 - d. Signs shall not be internally illuminated except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night;

e. Signs on building facades oriented toward nearby residential zones shall not be illuminated;

f. The signs shall be constructed with materials which minimize reflective capabilities; and

g. No roof signs shall be allowed.

3. Ground Signs. Ground signs shall be allowed subject to the following regulations:

a. All ground signs shall conform to the regulations of LMC 21.16.310(A); and

b. A maximum of two ground signs are allowed per street per property, and spaced at least 300 feet apart.

4. Real Estate Signs. Real estate signs shall comply with the regulations of LMC 21.16.310(I).

5. Construction Signs. Construction signs shall comply with the regulations of LMC 21.16.280. (Ord. 2310 § 42, 2000)

