

AGENDA

Lynnwood Planning Commission

Thursday, July 14, 2011 — 7:00 pm

City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

Meeting of May 26, 2011

Meeting of June 9, 2011

C. PUBLIC COMMENTS – on matters not on tonight's agenda for a public hearing.

D. PUBLIC HEARINGS

1. Revisions to City Center Development Regulations (2011CAM0006). Amendments to Ordinance No. 2627 (City Center Street Grid Protection Ordinance), Title 21 (Zoning), including (but not limited to) Chapter 21.60 of the Lynnwood Municipal Code (City Center (CC) zones), the City of Lynnwood Zoning Map, and the City Center Design Guidelines. These amendments, if approved, would revise:

- 1) The requirements to dedicate property for grid street and park/plaza purposes;
- 2) Zoning regulations for development/redevelopment of properties in the City Center (including, but not limited to building height, floor area ratios, bulk, street standards, setback and signage);
- 3) City Center design guidelines for site planning and building design; and,
- 4) Zoning Map to identify gateways and prominent intersections.

2. Electric Vehicles Infrastructure Code Amendment (2011CAM0001).

Amendments to Lynnwood Municipal Code (LMC) Title 21, Zoning, related to electric vehicle infrastructure, to comply with the requirements of RCW 36.70A.695 by providing definitions related to electrical vehicle infrastructure and providing allowances for certain types of electrical vehicle infrastructure in zoning districts within the City of Lynnwood. The draft ordinance also has provisions for electric vehicle parking when provided in parking areas.

E. WORK SESSIONS

None

F. OTHER BUSINESS

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

Lynnwood Planning Commission
Meeting of July 14, 2011

Staff Report

Agenda Item: D-1

Proposed Development Regulations Related to the City Center

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

Lynnwood Economic Development Dept.

ACTION

Continue public hearing. Following the public hearing, make a recommendation on the proposed code and design guideline amendments to the City Council.

UPDATE

A public hearing was held on June 9, 2011 and was continued to July 14, 2011 to allow the public additional time for review and comment. Since June 9th, Staff has held public meetings to discuss the amendments. In response to feedback received at the June 9, 2011 Public Hearing, subsequent public meetings, and the Fire Department's updates to the City Center fire standards, updates were made to the proposed Zoning Code and Design Guideline Amendments. These updates generally relate to:

- Adding flexibility with clarity for existing non-conforming buildings
- Promenade clarification
- Accessory outdoor recreation areas
- Building setbacks and standards meeting City Center Fire standards
- Adding FAR bonus for LEED Silver
- Minimum Parking Requirements for added uses
- Adding 36th right of way width to the street table

A summary matrix of the comments received and updates to the zoning and design guidelines since the June 9, 2011 hearing is attached for your review. Also attached are the revised ordinances, and design guidelines with the changes highlighted.

The rest of the Staff Report repeats the information provided in the Staff Report from the June 9, 2011 hearing for your reference.

BACKGROUND

In 2005, the City of Lynnwood adopted the City Center Sub-Area Plan (Plan) along with implementing zoning regulations and design guidelines. The Plan is available online at: <http://www.lynnwoodeconomicdevelopment.org/CityCenter.ashx>

The Plan is consistent with the goals and policy statements of the Growth Management Act, PSRC Vision 2020/2040, the Lynnwood Comprehensive Plan, the Lynnwood Economic Development Action Plan, and the Lynnwood Community Vision. The goals and policy statements include:

- accommodate projected residential and employment growth in a manner preventing encroachment into single family residential neighborhoods;

- providing a high density development pattern that is supportive of transit;
- providing for new housing opportunities in proximity to new employment opportunities;
- enhance the City's economy and sense of place; and
- create a "downtown" that contributes to a regional identify for Lynnwood.

In 2005, the City adopted the City Center Zoning Code and design guidelines.

In adopting the Plan, regulations and guidelines, it was recognized that additional studies would be needed to facilitate the achievement of Plan objectives. Through 2010, additional studies authorized by City Council were completed to provide information regarding City Center infrastructure needs and further refinement of implementation measures, thereby moving towards a key objective which is the adoption of a planned action designation (by ordinance) for redevelopment of the City Center consistent with the Subarea Plan.

In addition to completing studies for City Center implementation, market conditions have changed since the City Center zoning and design guidelines were adopted. Therefore, clarification and updates to the documents are recommended.

Since 2010, an inter-departmental working group (departments of Public Works, Parks, Recreation and Cultural Arts, Community Development, Economic Development, and assistance from the Fire Department) has discussed the information in the studies, reviewed their conclusions, and identified code/guideline amendments and capital improvements to further implement the Plan. Included in the code amendments are revisions to the City Zoning Code (Title 21) and City Center Design Guidelines.

The following public meetings regarding the recommendations have been held in 2011:

On March 14, 2011: City Council adopted Ordinance No, 2885 as an interim development regulation amending Ordinance No. 2627 (passed July 10, 2006). The effect of this ordinance is to remove certain proposed street segments from the street grid protection ordinance and remove references to specific planned locations for public parks/plazas in the City Center zones from the zoning regulations. This ordinance increases flexibility in City Center regulations to implement the Plan.

On April 28, 2011: A public informational meeting was held to introduce proposed code amendments prior to the Planning Commission meeting. Business and property owners within the City Center Zone were mailed notice of the public meeting as well as information was posted on the website, legal notice was published and notices were posted in public buildings.

On April 28, 2011: Planning Commission received an overview of the proposed City Center code amendments at a work session.

On May 9, 2011: The Lynnwood City Council held a public hearing on Ordinance No. 2885 regarding proposed grid streets within the City Center (described above). Business and property owners within the City Center Zone were mailed notice of the public meeting as well as information posted on the website, legal notice was published and notices were posted in public buildings. The City Council made no changes to Ordinance No. 2885.

On May 12, 2011: Planning Commission held a work session on the proposed amendments. Specific proposed amendments to the Zoning Code and City Center Design Guidelines were provided at this meeting.

On May 16, 2011: City Council received an overview of the proposed City Center code amendments at a work session.

On May 26, 2011: Planning Commission held a work session for additional discussion on the proposed Zoning Code and City Center Design Guideline amendments with some revisions to the documents from the May 12, 2011 work session.

On June 9, 2011: Planning Commission is holding a Public Hearing for deliberation/action on proposals. Business and property owners within the City Center Zone were mailed notice of the public meeting as well as information was posted on the website, legal notice was published and notices were posted in public buildings.

On June 16, 2011: Staff from the Economic Development and Community Development Departments held a public meeting to discuss the proposed City Center amendments. Staff received preliminary feedback for updating the amendments for the July 14th continued hearing.

On June 29, 2011: Staff from the Economic Development and Community Development Departments held a follow up public meeting to discuss the proposed City Center amendments. Staff received additional feedback for updating the amendments for the July 14th continued hearing.

ANALYSIS

In developing recommended amendments to the City Zoning Code and City Center Design Guidelines, the following factors were considered:

- **State of the Economy:** The proposed amendments are mindful of market conditions the nation has experienced over the past couple of years, which are vastly different from the economic conditions when the Plan was adopted.
- **Study findings:** In adopting the Plan it was anticipated that additional analysis would be prepared to better inform the City of implementation alternatives.
- **Clarity of regulations:** Opportunities to clarify development regulations to increase certainty and predictability for the public and development community were incorporated into the proposed amendments.
- **Flexibility:** Opportunities to enhance flexibility, while still achieving the objectives of the Plan, have been incorporated into the proposed amendments.
- **Planned Action Designation:** Code amendments were identified to clarify code based mitigation of impacts and/or implementation of Plan concepts supporting the adoption of a Planned Action Designation.

The proposed recommendations address the following areas:

- **Grid Street Preservation Ordinance Amendments:**
To implement the findings of the City Center Street Master Plan by removing the requirement for dedication for planned public streets not required for capacity mitigation. This removes constraints and adds flexibility for development and reduces planned public street infrastructure costs for the City Center by approximately 53%. These amendments make the interim amendments in Ordinance 2885 "permanent".
- **City Center Design Guideline Amendments:**
Although the City Center Street Master Plan concluded that the City Center public street network need not be so extensive, it did conclude that vehicular access to development and a network of private pedestrian connection to facilitate non-motorized travel would be appropriate and desirable. Amendments to the City Center Design Guidelines are proposed

to create standards for increased pedestrian connectivity through sites in lieu of new public streets. Areas of vehicular access to properties have been identified.

Additional clarification and updating of the Design Guidelines, which are a priority of the Plan includes, but is not limited to creating further definition of the Pedestrian Promenade concept, updating the street classification map, and updating site and building standards.

▪ **Zoning Code Amendments:**

Updating and clarification of the Zoning Code, particularly Chapter 21.60 "City Center (CC) Zones", including but not limited to:

- Removing defined park locations from the Zoning Code to increase flexibility in implementation consistent with Ord. 2885;
- Clarification and updates to signage standards;
- Update to standards and incentives related to height and density including the Floor Area Ratio bonus provisions ;
- Updates to the street standards;
- Clarification and updates to prohibited uses; and
- Clarification and updates to other development standards.

ENVIRONMENTAL REVIEW

The proposed amendments use the 2004 Final Supplemental Environmental Impact Statement (FSEIS) as the environmental document with the addition of the 2011 FSEIS Addendum (making updates to the 2004 FSEIS). The City's Environmental Review Committee (ERC) approved the 2004 FSEIS with the 2011 Addendum for these proposals.

Copies of the 2011 Addendum and the Notice of Adoption were provided to Planning Commission at the work session held on May 26, 2011 and are available on the City Center website:

<http://www.lynnwoodeconomicdevelopment.org/CityCenter.ashx>

NEXT STEPS

The City Council is anticipated to review the Planning Commission's recommendations on the proposed code amendments during June - September 2011. A public hearing by City Council and consideration for adoption of the regulations is being scheduled for late summer - fall 2011.

RECOMMENDATION

Following the public hearing, staff recommends that the Planning Commission recommend adoption of the proposed amendments to the zoning regulations and design guidelines for the City Center to the City Council.

ATTACHMENT

1. Draft Ordinance Amending Ordinance 2627 and Title 21
2. Draft Ordinance Amending the City Zoning Map
3. Draft City Center Design Guidelines
4. Comments and Updates Matrix following June 9, 2011 Public Hearing

CITY CENTER

July 14, 2011
Planning Commission
Continued Public Hearing Documents



LYNNWOOD
WASHINGTON

**Planning Commission Hearing July 14, 2011: City Center Zoning & Design Guideline Amendments
Comments and Updates Matrix from June 9, 2011 Hearing**

PUBLIC MEETINGS & COMMENTS			
#	ISSUE	COMMENT RECEIVED	CHANGE
1	Non-Conforming: Full Replacement of Existing Buildings and Flexibility/Clarity	<p>5/26/11 Stakeholder Meeting: Request for ability to demolish and replace existing structures, not increasing in size, without meeting the height minimum that would be required for New Development.</p> <p>6/16/11 Public Meeting: Make clear non-conforming flexibility for transition to conformance. More explicit language for flexibility. Also received the comment that the flexibility is there in the language and stakeholder did not want to lose flexibility currently provided</p>	<p>(Code Section 12: LMC 21.60.700.C) Amended Non-Conforming building language to allow full building replacements and expansions 15% or less of the total buildings existing on site or vertical expansions of any size to be exempt from the minimum height requirement. Also clarified exterior renovation and general non-conforming building expansion requirements.</p>
2	Signage	<p>6/9/11 Public Hearing: Letters from property owners cited desire for existing buildings to retain ability to utilize cabinet signage.</p>	<p>(Code Section 9: LMC 21.60.475) Changed prohibited cabinet signs to New Development only. (flexibility for non-conforming signs to be replaced was already incorporated also.)</p>
3	Promenade Walkway Design Guidelines	<p>6/16/11 Public Meeting: Update Promenade Walkway language to allow to front portions of 196th to connect through the Convention Center site and clarification of the definition between the public and private Promenade portions.</p>	<p>(Design Guidelines: P. 12-13) Amended guideline for Promenade Walkway to provide greater flexibility for combining with other walkway types and connecting along the public right of way where needed.</p> <p>(Code Section 5: LMC 21.60.100) Updated definitions for Promenade Street and Promenade Walkway to clarify standards and difference between the segments.</p>
4	Promenade Walkway Design Guidelines - Map	<p>6/16/11 Public Meeting: Add note to Map in Design Guidelines regarding the Promenade Walkway location as conceptual alignments from the Sub-Area Plan.</p>	<p>(Design Guidelines: P. 3) Added note to the Street Classification and Access Map that the Promenade Walkway is a conceptual alignment, in addition to title and legend also states conceptual.</p>

PUBLIC MEETINGS & COMMENTS			
#	ISSUE	COMMENT RECIEVED	CHANGE
5	194 th Alignment	6/16/11 Public Meeting: PFD request for plans regarding 194 th alignment. Concern over existing planned location. See PFD Review Status Below.	(Code Section 1: Ordinance 2627) Staff proposes changing Section 1 of Ord. 2627 to allow flexibility for locations beyond the existing 35 ft each way for the street alignment, except at the intersection locations which need to remain at the 35 ft from the existing determined intersections.
6	Accessory Outdoor Recreation Area	6/29/11 Public Meeting: Suggested removing the cap on accessory outdoor recreation areas, particularly to address needs for primary education.	(Code Section 7: LMC 21.60.300) Removed the 10% cap on the Accessory space and added "not greater than the gross floor area of the principal use it serves".
7	<p>6/29/11 Public Meeting: PFD indicated they would not have comments for staff prior to issuance of the staff report for the Planning Commission Hearing 7/14/11. They will have comments for the hearing regarding guidelines for their future master planning efforts and regarding the alignment of 194th.</p> <p>Also heard stakeholder support for revisions to grid street network and importance for moving traffic on peripheral of City Center not just widening existing through arterials. Discussed that 194th and 42nd have not changed to address volumes of other grid streets removed.</p>		

STAFF UPDATES			
#	LOCATION	ISSUE	CHANGE
8	Sections 2, 7, 8, 10, 12	Director Determinations did not have appeals process.	Added appeals process for Director determinations.
9	Section 5: 21.60.100 D, E & K	Improve Definitions for: New Development, Occupiable Space and Street Level Retail.	Minor clarifications to improve structure and definitions of New Development corresponding to non-conforming buildings, Occupiable Space and Street Level Retail.
10	Section 8: 21.60.400.B.1 and Design Guidelines P. 19	Updated Setback language to increase clarity for building location regarding future right of way location and intersections.	Amended language from locating buildings at the back of sidewalk to be more clear to say at the property line established by the future right of way (Table 21.60.4) and conforming to the City Center Fire Lane Standards, updated June 2011. Added more definition for setbacks from intersections based on setback allowed.
11	Section 8: 21.60.400.B.1	Boulevard Street allowed setbacks	Increased allowed setbacks on Boulevard streets based on June 2011 City Center Fire Lane Standards update to maximum allowed setback before a fire lane between the street and building would be required (15 ft min (clear street can be used in setback) 30 feet max setback including sidewalks and curb). Current adopted maximum setback is 15 feet. Increased to 17 feet. Setback to be used for pedestrian open space/plaza.
12	Section 8: Table 21.60.2	LEED Silver FAR Bonus Feature	Added LEED Silver FAR bonus feature at 10% increase in total floor area in addition to Gold and Platinum already proposed.
13	Section 8: Table 21.60.3	Minimum Parking Requirement, same as maximum.	Reduced the minimum parking requirement below citywide standard as incentive for City Center development and multi-modal transportation.
14	Section 8: 21.60.400.G	Fire Lane Standards - Sprinklers	In order to remove fire lane from between the building and the street, all City Center buildings will be required to be sprinklered.
15	Section 9: Table 21.60.4	Updated found to be needed to Table.	Added 36 th Ave right of way to table and changed the curb standards for 198 th if flat to require bollards and require raised curb for 42 nd .
16	Design Guidelines: P.10...	CPTED needed to be spelled out.	Spelled out acronym.
17	Design Guidelines P. 22	Weather Protection – Maximum Canopy Height	Added a maximum height of 14 feet for canopies to provide weather protection for pedestrians.

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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE NO. 2627, AMENDING LMC SECTIONS 21.02.715, 21.60.075, 21.60.100, 21.60.200, 21.60.300, 21.60.400, 21.60.500, 21.60.600, 21.60.700, 21.60.800, ADDING A NEW SECTION 21.60.475 AND AMENDING THE CITY CENTER DESIGN GUIDELINES AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan; and,

WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554 adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new chapter to Lynnwood Municipal Code Title 21; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625 amending Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned sites of public streets and parks/plaza in the City Center; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627 establishing a street grid protection ordinance for the City Center ~~Sub-Area~~; and,

WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for parks/plazas in the City Center; and,

WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center parks as general, and not specific, evidenced by statements in the City Center Sub-Area Plan that the location of the Town Square park in the Core "should be roughly in the center" and CCPS #3 "...These parks and public spaces, or their spatial or functional equivalent, shall be provided as new development occurs in the City Center"; and,

WHEREAS, the City of Lynnwood zoning code (LMC section 21.60.600 entitled "Design Review"), provides for specific locations of the City Center parks requiring that development demonstrate consistency and compatibility with the planned location of City Center parks and plazas, the location of which are described in detail in that section (21.60.600); and,

WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid system in the City Center to break down superblocks and encourage a more pedestrian friendly environment; and,

48 WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a
49 regulatory mechanism to require the dedication of public right of way to implement a finer City Center
50 grid street system and to also provide for the acquisition of public right-of-way for streets that will serve
51 to mitigate City Center transportation impacts; and,
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53 WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has
54 conducted studies (“Lynnwood City Center Access Study” Perteet Engineering., September 2007 and
55 “Lynnwood City Center Street Master Plan” David Evans and Associates, Inc., December 2009) to
56 further analyze the City Center Street system and, the optimal location of the proposed street grid, to
57 refine the transportation network and to identify improvement needs for the City Center with specific
58 attention to analysis of the secondary street network and transportation improvements necessary to
59 mitigate transportation impacts; and,
60

61 WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary
62 streets (42nd Avenue W. and 194th Street SW extension) were “system improvements”, both needed to
63 mitigate capacity within the City Center, and that the remainder of the new secondary streets (e.g. 41st
64 Avenue W. 43rd Avenue W. etc.) are identified as “project improvements” and are not necessary to
65 mitigate transportation capacity needs for the City Center; and,
66

67 WHEREAS, based on the conclusions of the above referenced studies, the City finds that the
68 current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than
69 necessary to achieve the purpose of ensuring transportation mitigation than what was originally
70 envisioned when the City Center Plan was adopted; and,
71

72 WHEREAS, with the passage of time since the adoption of the City Center zoning code,
73 amendments to the code have been identified to better implement the intent of the City Center Sub-Area
74 Plan; and,
75

76 WHEREAS, factors influencing the preparation of amendments to City Center development
77 regulations include recognition of the need to be responsive to the change in market conditions brought on
78 by the “Great Recession” by offering more flexibility, findings of studies conducted since the time of the
79 adoption of the City Center Sub-Area Plan, and the identification of opportunities to increase code clarity
80 and predictability of the regulations; and,
81

82 WHEREAS, the proposed amendments were sent to the Washington State Department of
83 Commerce for State agency review in accordance with RCW 36.70A.106. No comments were received;
84 and,
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86 WHEREAS, the City of Lynnwood Planning Commission held a duly noticed public hearing on
87 June 9, 2011, which was continued to July 14, 2011; and,
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89 WHEREAS, following the public hearing and considering the testimony, the City of Lynnwood
90 Planning Commission made a recommendation to City Council; and,
91

92 WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that
93 the zoning ordinance and other implementing development regulations provide the level of predictability,
94 certainty and consistency needed for redevelopment of the City Center by all property owners, businesses,
95 citizens; and,
96

97 WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood zoning
98 code, City Center Design Guidelines, and Ordinance No. 2627; and,
99

100 WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare
to adopt this ordinance, now therefore,

101 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS
102 FOLLOWS:

103 **Section 1.** Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006,
104 is hereby amended as follows:

105
106 “Section 1. The following new streets shall be located in the City Center Sub-Area:

107
108 The proposed new streets in the City Center would follow centerlines defined
109 approximately as follows. Such streets may deviate from the centerlines described
110 below however the may be built with the centerline of the intersections may only
111 deviating up to 35 feet to either side of these descriptions, to take best advantage of
112 physical conditions in the field and to coordinate with legal parcel boundaries. The true
113 alignment of the centerline of each route would run generally parallel to existing 44th
114 Avenue W or existing 196th Street SW, to the extent practical.

115
116 ~~41st Avenue W would run in a straight line generally aligned parallel to existing 44th~~
117 ~~Avenue W, from existing Alderwood Mall Boulevard to proposed 195th Street SW,~~
118 ~~approximately 360 feet north of the centerline of existing 196th Street SW. The~~
119 ~~centerline would cross existing 196th Street SW approximately 990 feet east of the~~
120 ~~centerline of existing 44th Avenue W. This street would not continue north of proposed~~
121 ~~195th Street SW.~~

122
123 ~~42nd Avenue W would run generally in a straight line generally aligned parallel to~~
124 ~~existing 44th Avenue W, from existing 200th Street SW to existing 194th Place SW. The~~
125 ~~centerline would cross existing 194th Street SW approximately 680 feet east of the~~
126 ~~centerline of existing 44th Avenue W.~~

127
128 ~~42nd Avenue W Extension would continue southerly from Alderwood Mall Boulevard,~~
129 ~~curving southwesterly to reach 44th Avenue W in the alignment of proposed 201st Street~~
130 ~~SW. This route is more specifically described as follows. Beginning at the centerline of~~
131 ~~Alderwood Mall Boulevard, 42nd Avenue W. Extension would proceed southward,~~
132 ~~following along an arc concave to the northwest of radius approximately 250 feet~~
133 ~~through 50 degrees of arc for a distance of 218 feet, then continue southwesterly on a~~
134 ~~tangent line for 235 feet, then follow along an arc concave to the northwest of radius~~
135 ~~approximately 250 feet through 40 degrees of arc for a distance of 174 feet, then follow~~
136 ~~the alignment of proposed 201st Street westward for approximately 250 feet to intersect~~
137 ~~with existing 44th Avenue W. The centerline of proposed 201st Street SW at 44th Avenue~~
138 ~~W would be located approximately 417 feet south of the centerline of existing~~
139 ~~Alderwood Mall Boulevard.~~

140
141 ~~43rd Avenue W would run in a straight line generally aligned parallel to existing 44th~~
142 ~~Avenue W, from existing Alderwood Mall Boulevard to existing 194th Place SW. The~~
143 ~~centerline would cross existing 194th Street SW 260 feet east of the centerline of existing~~
144 ~~44th Avenue W.~~

145
146 ~~45th Avenue W would run in a straight line generally aligned parallel to existing 44th~~
147 ~~Avenue W, from existing 200th Street SW to existing 194th Street SW. The centerline~~
148 ~~would cross existing 194th Street SW 384 feet west of the centerline of existing 44th~~
149 ~~Avenue W.~~

150
151 ~~191st Street SW would run in a straight line generally aligned east west, from existing~~
152 ~~33rd Avenue W to existing 36th Avenue W. The centerline would cross existing 36th~~
153 ~~Avenue W 1021 feet south of the centerline of existing 188th Street SW.~~

155 **194th Street SW Extension** would follow a meandering line proceeding from a point of
156 beginning located on the centerline of existing 194th Street SW approximately 140 feet
157 west of the centerline of existing 40th Avenue W, then bearing generally east-
158 northeasterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately
159 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route
160 would continue east-southeasterly approximately 78 feet, then east approximately 956
161 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W
162 approximately 220 feet north of the point of beginning.
163

164 ~~**195th Street SW** would run in a straight line generally aligned parallel to existing 196th
165 Street SW, from existing 40th Avenue W to proposed 45th Avenue W. The centerline
166 would cross existing 44th Avenue W 360 feet north of the centerline of existing 196th
167 Street SW.~~

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169 ~~**197th Street SW** would run in a straight line generally aligned parallel to existing 196th
170 Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline
171 would cross existing 44th Avenue W 257 feet south of the centerline of existing 196th
172 Street SW.~~

173
174 ~~**198th Street SW** would be extended west of 44th Avenue W to proposed 45th Avenue W,
175 a distance of approximately 384 feet.~~

176
177 ~~**199th Street SW** would run in a straight line generally aligned parallel to existing 196th
178 Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline
179 would cross existing 44th Avenue W 925 feet south of the centerline of existing 196th
180 Street SW.~~

181
182 **Section 2.** Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006,
183 is hereby amended as follows
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185 “Section 2. All development shall dedicate rRight of wWay for streets designated herein,
186 and shall be a width in accordance with the adopted City Center Sub-Area plan or as
187 approved by the Public Works Director. The Public Works Director shall also have the
188 authority to waive the requirement for right of way dedication for the streets designated
189 herein and/or approve modified alignments if the Public Works Director finds that such
190 waiver or modification does not impact the functions for those streets including fire lane
191 standards. For purposes of this ordinance, the term "development" shall include subdivisions,
192 short subdivisions, planned unit developments, binding site plans and design review
193 approvals.”— Appeals of the Public Works Director’s decision shall be processed as a
194 Process II application (LMC 1.35.200).”
195

196 **Section 3.** LMC Section 21.02.715 is hereby amended as follows,
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198 **21.02.715 Sign, roof.**

199 “Roof sign” means a business sign erected upon or above a roof or in cases where a parapet is
200 present, above the parapet of a building. This definition does not apply to signs attached to
201 parapets or walls which are at a point six (6) feet in height or less above the roof deck.

202 **Section 4.** LMC Section 21.60.075 is hereby amended as follows,

203 **21.60.075 Relationship to rest of title.**

204 The regulations in this chapter, together with the applicable regulations in the rest of LMC Title
205 21 and other titles of the Lynnwood Municipal Code, shall govern development and use of
206 property in the city center zonesdistricts. Where the regulations of this chapter conflict with or
207 vary from regulations in other chapters or titles, the regulations in this chapter shall control.

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- A. Exceptions. The following chapters of this code shall not apply in the city center:
1. Chapter 21.06 LMC;
 - ~~2.~~ Chapter 21.12 LMC;
 - ~~3.~~ Chapter 21.14 LMC.

213 **Section 5.** LMC Section 21.60.100 is hereby amended as follows,

214 **21.60.100 Definitions.**

215 The following definitions shall only be applicable to the City Center zones.

216

217 ~~“Canopy” means a cover over a sidewalk, providing protection from rain, that is constructed of~~
218 ~~permanent materials. The height shall range between eight feet and 12 feet, and it shall be a minimum of~~
219 ~~six feet in width.~~

220 A. “City center” means the land area designated on the official zoning map comprised of the as a city
221 center zones district.

222 B. “Donation to Public Park Fund” shall mean a voluntary contribution from the developer to a dedicated
223 City fund established specifically for the purpose of acquiring and development of public park land to
224 serve new development and growth consistent with the City Center Sub-Area Plan. The voluntary
225 donation shall be executed by an agreement acceptable to the City.

226 C. “Floor area ratio” means the amount of floor area within a building as a multiple of the lot area.

227 D. “New development” means new buildings or structures, or horizontal or vertical expansions of existing
228 buildings or structures, that are subject to the design review requirements/process of LMC Chapter 21.25.
229 Remodels of existing buildings that do not expand the existing square footage and/or are within existing
230 building envelopes shall not constitute “new development”.

231 E. “Occupiable Space” means spaces used for human activities such as retail uses, office uses,
232 residential, walk-in businesses (arcades, art galleries, museums, and the like), personal service shops
233 (such as barber and beauty shops) or customer serving offices (such as banks, travel agencies,
234 printing/copying stores, and dry cleaners), restaurant uses, entertainment uses, and places of assembly, or
235 amenities for principal uses (such as fitness centers, lobbies, restrooms, laundry rooms, back of house
236 operations). Structured parking and self-service storage facilities (mini-storage and similar spaces
237 designed to contain objects, not persons as the primary use are not considered occupiable space.

238 ~~“Green roof” means a roof designed with principles of environmental sustainability, involving the use of~~
239 ~~vegetation and storm water collection and cleaning. It may or may not be accessible.~~

240 F. “Parking, below grade” means any portion of a structure containing parking that is located below the
241 average finished grade around a building.

242 G. “Parking, structured” means parking contained within an enclosed building, designed to appear like it
243 is part of the larger building complex.

244 H. “Promenade Street” means the public pedestrian and vehicular way along 198th St. SW identified in the
245 City Center Sub-Area Plan bounded on the east by 40th Ave. W. and generally bounded on the west by a
246 public park in the CC-W zone.

247 I. “Promenade Walkway” means portions of the promenade providing pedestrian-oriented connectivity
248 and amenities that may be privately owned, constructed and maintained. The alignment of the Promenade
249 Walkway is conceptually identified in the City Center Sub-Area Plan. The objectives of the Promenade
250 Walkway are to provide a major pedestrian connection with parks, plazas and pedestrian amenities
251 centrally located through large blocks and connecting important elements of the City Center including the
252 Transit Center, the Promenade Street, the Convention Center and towards Alderwood Mall.

253 ~~“Public art” means any form of painting, mural, mosaic, sculpture, or other work of art, so long as it can~~
254 ~~be appraised as a work of art and its value as such documented. It must be displayed on the exterior of a~~
255 ~~building, at or near the pedestrian entrance or on a public plaza.~~

256 ~~J.H~~ “Public plaza” means an open space that is accessible to the public at all times, predominantly open to
257 the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut
258 and be within three feet in elevation of a sidewalk, and at least 10 percent of the area shall be planted with

259 ~~trees and other vegetation. There must be~~ Public plazas shall provide penetration of sunlight and feature
260 pedestrian amenities such as seating and pedestrian scale, lighting, and penetration of sunlight.
261 K. J. "Story" means the portion of a building included between the upper surface of the floor and the
262 upper surface of the floor or roof next above, measured as the vertical distance from top to top of two
263 successive tiers of beams or finished floor surfaces and for the topmost story, from the top of the floor
264 finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
265 L. K. "Street level retail" means any pedestrian-oriented uses providing goods and services, including
266 food and drink, adjacent to, visible from, and accessible from the sidewalk, including any pedestrian
267 oriented use, such as retail stores, groceries, shoe repair shops, dry cleaners, floral shops, beauty and
268 barber shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other
269 businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature.
270 "Water feature" means a fountain, cascade, stream, fall, pond of water, or combination thereof, that serves
271 as a focal point. It must be located outside of a building and be publicly visible and accessible. It must be
272 active during daylight hours.

273 **Section 6.** LMC Section 21.60.200 is hereby amended as follows,

274 **21.60.200 District Zones established and described.**

- 275 A. City Center – Core (CC-C). This ~~district zone~~ is envisioned to have the highest intensity uses,
276 especially office buildings, residences, and hotels contained within high-rise buildings. Shops and
277 restaurants would be located along key streets, particularly ~~the~~ principal pedestrian corridor,
278 referred to as the "Promenade" in the City Center Sub-Area Plan. A major public open space
279 would anchor the ~~district zone~~. Over time, parking would be increasingly located within
280 structures. The convention center is ~~planned located in~~for the northeast corner of this ~~district zone~~.
281 B. City Center – West (CC-W). This ~~district zone~~ is envisioned to have a mixture of higher density
282 housing, retail and restaurants, and some office buildings contained within mid-rise buildings. A
283 public open space would anchor the ~~district zone~~. Over time, parking would be increasingly found
284 within structures.
285 C. City Center – North (CC-N). This ~~district zone~~ is envisioned to have a mixture of mid-rise office
286 buildings and retail, ~~Over time, parking would be increasingly found within structures, with a~~
287 relatively small amount of housing. Parking would largely be on the surface, but over time, some
288 parking may be within structures.

289 **Section 7.** LMC Section 21.60.300 is hereby amended as follows,

290 **21.60.300 Use limitations.**

291 All uses shall be allowed in the city center ~~districts zones~~ unless specifically prohibited below.

292
293 A. Prohibited in all city center ~~districts zones~~ :

- 294 1. Adult establishments;
295 2. Billboards;
296 3. Industrial uses (excluding management, research and development, and sales operations);
297 4. Outdoor storage or display of materials and equipment (except during construction);
298 5. ~~Repair of vehicles, unless entirely within a building;~~ Auto-oriented uses, including:
299 a. Vehicle washing;
300 b. Drive-throughs, including drive-up windows and drive up kiosks;
301 c. Vehicle Repair;
302 d. Battery Exchange Station (Electric Vehicles);
303 e. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless
304 contained within an enclosed parking structure or attached to the exterior of a
305 building containing a principal use.);
306 f. Gasoline service stations;
307 g. Rental-Car agencies with outdoor fleet;
308 h. Outdoor sales of boats, vehicles, or equipment.
309 6. Sewage treatment plants;

- 310 7. Work release facilities;
 311 8. Wrecking yards;
 312 9. Secure community transition facilities;
 313 10. Uses not fully contained within a building except;
 314 a. Accessory outdoor dining;
 315 b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and
 316 where the display only occurs during business hours;
 317 c. Temporary special events;
 318 d. Accessory outdoor recreation areas, in an amount and type subject to approval by the
 319 Community Development Director; however not greater than the gross floor area of the
 320 principal use it serves. Appeals of the Community Development Director's decision shall
 321 be processed as a Process II application (LMC 1.35.200);
 322 11. Self-service storage facilities (also known as mini-storage) consisting of more than 20% of
 323 the building's total gross floor area.
 324 12. Warehouses.
 325 13. Any other uses similar to those listed above or any other use determined by the Ceommunity
 326 Ddevelopment Ddirector to be inconsistent with the intent of city center districts as described in
 327 this chapter and the Ceity eCenter Ssub-Aarea Pplan. Appeals of the Community Development
 328 Director's decision shall be processed as a Process II application (LMC 1.35.200);
 329 ~~B. Additionally prohibited in the city center – core district (CC-C) (allowed in other districts):~~
 330 ~~1. Vehicle washing, unless located within a building or parking structure;~~
 331 ~~2. Drive-through businesses, unless located within a building or parking structure;~~
 332 ~~3. Gasoline service stations;~~
 333 ~~4. Mini storage on the street level;~~
 334 ~~5. Outdoor sales of boats, vehicles, or equipment.~~
 335 BC. Additionally prohibited in the portion of the city center – core districtzone (CC-C) that is north of
 336 194th St. SW:
 337 1. Multiple-family residential.
 338 C. Ground floor principal uses in all City Center Zones shall be Occupiable Space.
 339 1. Exception. Parking may occupy the ground floor of a building; provided that, the parking does not
 340 occupy ground floor space facing a street frontage. In such instances, that portion of the building facing
 341 the street shall still consist of occupiable space.
 342 D. For buildings that directly front the Promenade Street (public) (198th St. SW between 46th Ave. West
 343 and 40th Ave. West) and for buildings that front a public park that abuts the Promenade Street (public), no
 344 less than 40 percent of the lineal frontage of any building shall be Street Level Retail uses.

345 **Section 8.** LMC Section 21.60.400 is hereby amended as follows,

346 **21.60.400 Basic development standards.**

347 A. Height.

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349 1. Minimum Building Height.

350 a. New Development: Three Stories at no less than 30 feet total. This requirement shall not
 351 apply to uses predominantly characterized as places of public assembly featuring auditoriums
 352 or meeting facilities including but not limited to religious institutions, movie or performing
 353 arts theaters, symphony halls, and convention facilities.

354 b. Expansion of existing non-conforming buildings and structures: Permitted subject to non-
 355 conforming building regulations in LMC 21.60.700.C.

356 2. Maximum Building Height

357 a. In the City Center – Core (CC-C) zone, the maximum building height shall be 350 feet,
 358 except as follows:

359 i. From the centerline of 196th St. SW north up to but not exceeding a distance of 360 feet,
 360 the maximum building height of any portion of a building shall be 240 feet.

361 ii. From over 360 feet north of the centerline of 196th St. SW and beyond, the maximum
 362 building height of any portion of a building shall be 130 feet.

- 363 iii. The maximum height of any portion of a building 150 feet or less from a residential zone
 364 shall be 35 feet.
 365 b. In the City Center – West (CC-W) and City Center – North (N) zones, the maximum building
 366 height shall be 140 feet, except as follows:
 367 i. The maximum height of any portion of a building 150 feet or less from a residential zone
 368 shall be 35 feet.
 369 3. Mechanical penthouses, stair/elevator overruns, and antennas may be excluded from building height
 370 calculation, provided they are no more than 20 feet above the roof deck.
 371 4. Building height may be increased by up to 20 percent for a non-habitable, architectural roofline
 372 element. This allowance does not apply within 150 feet from a residential zone or in the city center –
 373 core zone (CC-C) where the maximum height is less than 350 feet.

374
 375 **B. Setbacks**

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 377 **1. From Streets:**

- 378 a) To permit the widening of City Center streets without creating nonconforming situations or
 379 the need to impact buildings, all buildings shall be located at the property line established by
 380 the future street right of way contained in Table 21.60.4 except as permitted otherwise in this
 381 chapter and in the Design Guidelines or unless the existing development precludes meeting
 382 this requirement. In all cases, buildings will conform to the City Center Fire Lane Standards,
 383 utilizing the frontage street for fire access.
 384 b) Buildings may be setback from the street for the purpose of providing public plazas as a FAR
 385 bonus feature and as required by the City Center Design Guidelines. The public plaza may
 386 exceed the minimum open space/public plaza size requirement provided in the Design
 387 Guidelines. Up to 30% of any building's street frontage per street may be setback from the
 388 setback line for use as a Public Plaza. This may be combined at intersections.
 389 c) To allow buildings to be setback from wider streets, buildings along Boulevard streets may be
 390 setback up to 17 feet from the property line established by the future street right of way
 391 provided in Table 21.60.4 subject to the following requirements:
 392 i. The Boulevard street shall be utilized as the fire lane. No setback shall be allowed
 393 that would result in requiring a fire lane between the building and the primary
 394 frontage street
 395 ii. The setback shall be utilized only for Open Space/Public Plazas complying with
 396 LMC 21.60.400 B (1) (b) and the City Center Design Guidelines.

397 **2. Interior Side: None required.**

398 **3. Interior Rear: None required.**

399
 400 **AC. Floor Area Ratio.**

401 **1. Basic Allowable Floor Area Ratio.** The basic floor area ratio (FAR) of buildings in the city center shall
 402 be limited as shown in Table 21.60.1. The bonuses are described in subsection (AC)(2) of this section.
 403 See also subsection (DC) of this section.
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Table 21.60.1: Floor Area Ratio (FAR)

District	Basic Allowable "As of Right"		Basic Allowable with Bonuses	
	Nonresidential	Residential	Nonresidential	Residential
CC-C	0.5	1.0	8.0	10.0
CC-W	0.5	1.0	3.0	5.0
CC-N	0.5	1.0	3.0	5.0

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Table 21.60.1: Floor Area Ratio (FAR)				
Basic Allowable/Maximum FAR		District		
		CC-C	CC-W	CC-N
Basic Allowable “As of Right” for Existing Nonconforming Structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Basic Allowable FAR “As of Right” for New Development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with Bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

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Notes:

- a. Floor area is measured to the inside face of exterior walls.
- b. The following **non-principal uses** shall be excluded from floor area calculation:
 - Space **underground (e.g. basements)** below grade;
 - Space dedicated to parking;
 - Mechanical spaces;
 - Floor Area devoted to **Rainwater collection**;
 - Floor Area devoted to **Greywater collection/storage/distribution**;
 - Floor Area devoted to **Waste recovery/separation**;
 - Floor Area devoted to **Bicycle storage facilities**;
 - Floor Area devoted to **Service areas**
 - Elevator and stair shafts;
 - Lobbies and common spaces, including atriums;
- c. The following shall be excluded from floor area calculation:
 - Space used ~~for any~~ as a FAR bonus feature (see Table 21.60.2).
- d. Land area for the Promenade Walkway shall be included in determining the basic allowable FAR.
- e. ~~b-~~ Allowable FAR for nonresidential and residential uses shall ~~may~~ be added together **for the respective use types** within a **mixed-use residential project**, to provide for a combined FAR total.
- f. ~~e-~~ Hotels shall be considered nonresidential for the purpose of this chart.

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

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Feature	Additional Floor Area for Each Feature
Street level retail	100 sq. ft. of floor area for each linear foot of retail frontage
Public plaza	5 sq. ft. of floor area for each sq. ft. of plaza
Canopy	4 sq. ft. of floor area for each sq. ft. of canopy
Public art	10 sq. ft. of floor area for each \$100.00 of valuation
Water feature	10 sq. ft. of floor area for each \$100.00 of valuation
Structured parking	0.5 sq. ft. of floor area for each sq. ft. of required parking above grade
Below grade parking	1 sq. ft. of floor area for each sq. ft. of required parking below grade
Green roof	2 sq. ft. of floor area for each sq. ft. of green roof
Residential use	2 sq. ft. of floor area for each sq. ft. of residential

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

<u>Bonus Features</u>	<u>Feature Requirements</u>	<u>Additional Floor Area for Each Feature</u>
<u>LEED Silver or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.</u>	<u>10 percent increase in total floor area for meeting LEED Silver Certification standards (or similar) or above</u>
<u>LEED Gold or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.</u>	<u>25 percent increase in total floor area for meeting LEED Gold Certification standards (or similar) or above</u>
<u>LEED Platinum or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.</u>	<u>40 percent increase in total floor area for meeting LEED Platinum Certification standards (or similar) or above</u>
<u>Office Use Above the Ground Floor</u>		<u>2 sq. ft. of floor area for each sq. ft. of office use above the ground floor</u>
<u>Parking, underground</u>		<u>2 sq. ft. of floor area for each sq. ft. of parking below grade</u>
<u>Parking, structured</u>	<u>Construction in conformance with the City Center Design Guidelines</u>	<u>1 sq. ft. of floor area for each sq. ft. of structured parking above grade</u>
<u>Promenade Walkway</u>	<u>Construction of the Promenade Walkway in conformance with the City Center Design Guidelines. (Access easement dedication to the public must be recorded with approved maintenance provisions).</u>	<u>20 sq. ft. of floor area for each sq. ft. of Promenade</u>
<u>Public Plaza</u>	<u>Provision of public plaza in excess of the requirement identified in the City Center Design Guidelines.</u>	<u>5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the City Center Design Guidelines.</u>
<u>Residential Use (single purpose building)</u>	<u>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</u>	<u>2 sq. ft. of floor area for each sq. ft. of residential use</u>
<u>Residential Use in Vertically Mixed-Use Building</u>	<u>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</u>	<u>4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed-use.</u>
<u>Street Level Retail</u>	<u>See definition (LMC Section 21.60.100(L))</u>	<u>200 sq. ft. of floor area for each linear foot of retail frontage</u>
<u>Donation to Public Park Fund</u>	<u>See definition (LMC Section 21.60.100(M))</u>	<u>20 sq. ft. per \$100 contributed to Public Park Fund</u>

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3. Change of Use and Continuation of Bonus.

a. FAR bonuses granted based on the use of the building (e.g. office use, residential use, Street Level Retail) and use of an area (e.g. Promenade Walkway or public plaza) shall be acknowledged in a document recorded in a form acceptable to the City with the Snohomish County Auditor's Office. The document shall also reflect the requirement in subsection LMC 21.60.400 (3)(b) below.

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

~~B. Building Height. The height of buildings in the city center shall be limited as shown in Map CC-1 at the end of this chapter.~~

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

Table 21.60.3: Required Off-Street Parking

Use Type	Minimum	Maximum
<u>Retail, Personal services and Offices serving customers on site</u>	3 stalls/1,000 <u>Gross Floor Area (gfa) nsf*</u>	4 stalls/1,000 <u>gfa nsf*</u>
<u>Offices, not serving customers on site.</u>	2 stalls/1,000 <u>gfa nsf*</u>	4 stalls/1,000 <u>gfa nsf*</u>
Residential	0.5 stall per unit	3 per unit
Senior housing	0.25 stall per unit	1 per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
<u>Hotels, Motels or Other Overnight Accommodations</u>	<u>1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</u>	<u>1.5 stalls per room plus, additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</u>
<u>Institutional uses</u>	<u>20 percent less than required in LMC Table 21.18.03</u>	<u>Same as Required in LMC Table 21.18.03</u>
<u>Places of Assembly</u>	<u>20 percent less than required in LMC Table 21.18.06</u>	<u>Same as Required in LMC Table 21.18.06</u>
<u>Entertainment/Recreational Activities</u>	<u>20 percent less than required in LMC Table 21.18.07</u>	<u>Same as Required in LMC Table 21.18.07</u>
<u>Other uses</u>	<u>20 percent less than required in LMC Table 21.18.11</u>	<u>Same as Required in LMC Table 21.18.11</u>
<u>*nsf = not square feet</u>		

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Notes:

1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number of stalls by 40 percent.
3. Parking may be located off-site, so long as it is within 1,000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.

464 4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and
465 signed carpool/vanpool space. All developments with more than 100 parking spaces shall provide a
466 minimum of two dedicated and signed carpool/vanpool spaces.

467 54. The Community Development Director may allow ratios higher than the maximums allowed if a
468 parking demand study for a particular development indicates that additional parking is needed and a
469 parking demand management program would not be effective. Appeals of the Community Development
470 Director's decision shall be processed as a Process II application (LMC 1.35.200)

471 E. Bicycle Facilities.

472 1. All non-residential developments providing 20 or more parking stalls, shall be required to provide
473 at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls.
474 Bicycle stalls may be storage lockers or bicycle racks/stands.

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

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

481 F. Service Areas.

482 1. Exterior service areas shall not be located within 30 feet of a residential-zoned property. Service
483 areas include but are not limited to: loading docks, trash dumpsters, compactors, refuse and recycling
484 areas, and mechanical equipment areas. All external refuse and recycling are required to be enclosed with
485 a solid structure with a minimum height of seven feet and a roof. Enclosures shall be constructed of
486 materials that match or complement the exterior materials of primary building(s) and shall not be
487 constructed of wood or chain link (with or without slats).

488 G. Fire Standards

489 1. To eliminate private land devoted to fire lanes between the building and the right of way, all New
490 Development in the City Center shall be constructed with sprinklers regardless of minimum height.

491 **Section 9.** A new section LMC 21.60.450 entitled "Signs in the City Center" is hereby adopted as
492 follows,
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494 **21.60.475 Signs.**

495 A. Sign regulations for the City Center zones are located in LMC 21.16. Notwithstanding the
496 regulations in LMC 21.16, the following sign regulations apply in the City Center zones:

497 B. Prohibited signs. The following signs are prohibited in the City Center zones:

498 1. Pole Signs

499 2. Electronic Changing Message Signs and Changeable Letter Signs, except for
500 entertainment, places of assembly, and institutional uses with an occupancy load of 200
501 persons or greater and public transportation uses.

502 3. Roof Signs.

503 4. Cabinet Signs for New Development.

504 C. Monument Signs: Maximum height shall be eight feet.

505 D. Neon signs are permitted, however outlining buildings or portions of buildings in neon is
506 prohibited.

507 E. Window signs (signs located on the inside of a window so as to be easily and readily viewed from
508 outside the window) may occupy up to 20 percent of the area of the window.

509 F. Non-conforming signs shall be governed by LMC 21.16.250, except that the structure, frame or
510 support of an existing non-conforming pole sign, or monument sign may be modified provided:

511 1. Such modifications result in a sign that is more conforming; and,

512 2. Such new or modified sign is located in the same location as the existing sign.

513 **Section 10.** LMC Section 21.60.500 is hereby amended as follows,
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21.60.500 Street types.

Notwithstanding LMC Title 19 and other adopted street standards, development and redevelopment of streets in the city center shall comply with [Table 21.60.4 entitled Street Standards.](#) the following paragraphs:

A. ~~Boulevards. These are the principal arterial streets serving the city center and connecting it to other parts of the community. They are connected to the regional highway system. While they can be visually pleasing and allow for safe and convenient pedestrian movement, their primary purpose is to move vehicular traffic. Developments along boulevards exhibit an emphasis on planting more so than retail storefronts.~~

Boulevards: Standards	
Street:	5—7 travel lanes with left turn restrictions, except at intersections
Sidewalks:	12 foot wide, including 5 foot wide planting zone along curb
Street trees:	30—35 feet on center, minimum of 2 inch cal.
Building line:	5—15 feet from back of sidewalk

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B. ~~Pedestrian Streets. These streets accommodate both vehicles and pedestrians, but provide greater accommodations for people. Vehicles move at a relatively slow speed. Sidewalks are very wide, on-street parking is present, and vegetation is emphasized. Pedestrian-oriented street furnishings are also present.~~

Pedestrian Streets: Standards	
Street:	2—3 travel lanes, with left turn restrictions, except at intersections
Sidewalks:	14—16 foot wide, including a 5 foot wide planting zone along curb
Street trees:	25 feet on center, minimum of 3 inch cal.
Building line:	Locate buildings at back of sidewalk, except for public spaces
Curb out limitations:	200-foot minimum separation or from intersection
Street furnishings:	Pedestrian-sealed lighting, seating, waste cans, art

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C. ~~Other Streets. These streets serve to break up the super blocks into smaller increments and to provide for vehicular access to development. They are visually pleasing and speeds and volumes are relatively low.~~

Other Streets: Standards	
Street:	2—3 travel lanes, on-street parking is present
Sidewalks:	12 foot wide, including a 5 foot wide planting zone along the curb
Street trees:	25—30 feet on center, minimum of 2 inch cal.

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Table 21.60.4: Street Standards

<u>Design Standards</u>	<u>Boulevard</u>	<u>Collector Arterial</u>	<u>Grid Street</u>	<u>Promenade (Public) Street</u>
<u>Streets</u>	<u>44th Ave W, 200th St SW/AMB, 196th Street SW, 36th Ave W</u>	<u>194th St SW, 40th Ave W</u>	<u>42nd Ave W</u>	<u>198th St SW (east of 46th and west of 40th)</u>

<u>Right of Way Width</u>	200 th : 5 Lanes: 99 feet 200 th : 6 Lanes: 110 feet 200 th : 7 Lanes: 121 feet 196 th : 7 Lanes: 111 feet 44 th : 7 Lanes: 111 feet 44 th : 8 Lanes: 122 feet 36 th : 6 Lanes: 97 feet 36 th : 5 Lanes: 85 feet	194 th : 2 Lanes with on-street parking: 73 feet 40 th : 3 Lanes without on-street parking: 76 feet	2 Lanes with on-street parking: 77 feet	2 Lanes with on-street parking: 77 feet
<u>Parking Lane</u>	No Parking	194 th St. SW: Both sides, 8 feet wide 40 th Ave W: No Parking	Both sides; 8 feet wide	Both sides; 8 feet wide
<u>Sidewalks</u>	Both sides, 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 194 th St. SW: 12 feet wide, including 5-foot wide zone for tree wells along the curb 40 th Ave. W.: 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)
<u>Curb and Gutter</u>	Both sides; 6" Raised	Both sides; 6" Raised	Both sides; 6" Raised	Both sides; 6" Raised (or Rolled with Decorative Bollards for Pedestrian Safety)
<u>Travel Lanes and Turning Lanes (maximum #)</u>	5-8	194 th St. SW: 2 40 th Ave. W: 3	2	2
<u>Travel Lane Width</u>	11-12 feet	11 feet	14 feet	14 feet
<u>Bicycle Travel Lane</u>	44 th Ave W., 196 th St. SW., and 36 th Ave W.: No bicycle travel lane 200 th St. SW: 5-foot on-street bicycle lanes (both sides)	5-foot on-street bicycle lanes (both sides)	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section
<u>Intersection Curb</u>	35-foot radius with no curb bulb extension along boulevard	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension
<u>Raised Landscape Median (width)</u>	6 feet in left turn pocket areas; 18 feet at all other areas	None	None	None

- 544
545 Notes:
546 A. Refer to City Center Design Guidelines for access requirements.
547 B. The Public Works Director shall have the authority to administratively modify the street standards
548 in Table 21.60.4 above if the Public Works Director finds that such modification does not impact
549 the functions for those streets, and meets the City Center Fire Lane Standards, as approved by the
550 Fire Marshal. Appeals of the Public Works Director's decision shall be processed as a Process II
551 application (LMC 1.35.200)
552

553 **Section 11.** LMC Section 21.60.600 is hereby amended as follows,

554 **21.60.600 Design review.**

555 A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities
556 permitted in the city center ~~district zones~~ shall comply with Lynnwood city center design
557 guidelines (which are adopted by this reference as if fully set forth herein) and receive approval
558 pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter: for proposals in these
559 ~~district zones~~, the citywide design guidelines shall be replaced with the city center design
560 guidelines.

- 561 1. Construction of any nonresidential structure or building with a gross floor area of more than
562 1,000 square feet.
- 563 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved
564 parking area of 5,400 square feet or more.
- 565 3. Construction of any multiple-family residential structure.

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

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

574 D. Compliance with Sub-~~a~~Area Plan and Related Documents. For determining compliance with the
575 comprehensive plan (that includes the ~~C~~eity ~~C~~eenter ~~S~~sub-~~a~~Area ~~P~~plan), as required by LMC
576 21.25.145(B)(2), an application for approval of structures and facilities under this section shall:

- 577 1. Demonstrate consistency and compatibility with the ~~following locations and design of public~~
578 ~~streets and parks/plazas:~~

579 a. ~~Planned location and design of streets, as shown in the street protection ordinance, as~~
580 ~~amended.~~

581 b. ~~Planned location of public parks/plazas, as follows:~~

- 582 i. ~~Town Square (Core District. The rectangular parcel formed by the existing right of way~~
583 ~~of 198th St. S.W. and the future rights of way of 42nd Ave. W., 199th St. S.W., and 43rd~~
584 ~~Ave. W., as those streets are described in Ordinance No. 2627, also known as the street~~
585 ~~protection ordinance.~~
- 586 ii. ~~West End Square. Starting at the intersection of the eastern right of way line of 44th Ave.~~
587 ~~W. and the southern right of way line of 198th St. S.W., then west a distance of 480 feet~~
588 ~~to the eastern boundary of the square (true starting point), then south a distance of 200~~
589 ~~feet to the southeast corner of the square, then west a distance of 210 feet (southwest~~
590 ~~corner), then north a distance of 460 feet (northwest corner), then east a distance of 210~~
591 ~~feet (northeast corner), then south to the true starting point.~~
- 592 iii. ~~North End Park/Plaza. Starting at the southwest corner of Snohomish County Tax Lot~~
593 ~~Parcel No. 00-3726-002-008-05, then generally east along the south boundary of this~~
594 ~~parcel a distance of 320 feet, then generally north and perpendicular to the south property~~
595 ~~line a distance of 235 feet to the north boundary of this parcel, then west along the north~~
596 ~~boundary of this parcel to the northwest corner of this parcel (300 feet), then generally~~
597 ~~south along the west boundary of this parcel to the starting point.~~
- 598 iv. ~~West End North Park/Plaza. The rectangular parcel formed by the existing right of way~~
599 ~~of 194th St. S.W. and 44th Ave. W. and the future rights of way of 195th St. S.W. and~~
600 ~~45th Ave. W., as those streets are described in Ordinance No. 2627, also known as the~~
601 ~~street protection ordinance.~~

602 Where any locations and designs in subsections (D)(1)(~~a~~) and (~~b~~) of this section conflict
603 with the ~~e~~City ~~C~~eenter ~~S~~sub-~~a~~Area ~~P~~plan, such locations and designs shall supersede the
604 conflicting provisions of the ~~C~~eity ~~C~~eenter ~~S~~sub-~~A~~area ~~P~~plan.

- 605 a) 2. ~~Locate "retail frontage land uses" along the portion of the Promenade, as depicted and~~
606 ~~described in the city center subarea plan, that is south of 196th St. S.W. and also around~~
607 ~~public parks/plazas that abut the Promenade. "Retail frontage land uses" in this case includes~~
608 ~~any pedestrian-oriented use, such as retail stores, groceries, drug stores, shoe repair shops;~~

609 cleaning establishments, floral shops, beauty and barber shops, department stores, apparel
610 shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other
611 businesses that are intended to be pedestrian attracting or pedestrian generating in nature (as
612 determined by the community development director).
613

614 **Section 12.** LMC Section 21.60.700 is hereby amended as follows,
615

616 **21.60.700 Nonconforming structures, sites and uses.**

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

- 627 A. Nonconforming Uses. ~~A relatively small number of land uses have been identified that are~~
628 ~~determined to not comport with the long term vision for the city center. Therefore, they are not~~
629 ~~permitted. Any such prohibited~~ uses legally existing at the time of the adoption of the ordinance
630 codified in this chapter shall be considered “legal nonconforming uses.” Such uses are not
631 permitted to expand. Exterior landscaping, facade improvements, or interior upgrades are
632 permitted.
- 633 B. Nonconforming Sites. Throughout the city center, there are many properties where site
634 development existing at the time of the adoption of the ordinance codified in this chapter does not
635 comply with the site design standards and guidelines in this chapter. Certain types of minor
636 changes to existing site development would not trigger compliance with the development
637 standards and design guidelines in this chapter, such as re-stripping of stalls, ~~and new or altered~~
638 ~~signage~~ or lighting or renovation of landscaping. Any other site improvements, exterior
639 renovation or expansion ~~of~~ building footprints, ~~however~~, shall incorporate site design features that
640 bring the site more into compliance with the standards of the City Center Design Guidelines
641 regardless of whether or not the site improvements, renovation, and/or expansion triggers the
642 design review process requirement per LMC 21.60.600.
- 643 C. Nonconforming Buildings. Throughout the city center, there are many buildings and other
644 structures existing at the adoption of the ordinance codified in this chapter that do not comply
645 with the building standards and guidelines in this chapter.
- 646 1. Exterior renovation of buildings and structures shall not increase the degree of non-
647 conformance.
 - 648 2. All expansion of building footprints or increasing building height shall incorporate standards
649 that bring the site and building more into compliance with the requirements of this Chapter
650 and the City Center Design Guidelines regardless of whether or not the expansion triggers
651 subject to the design review process requirement per LMC 21.60.600. Expansion or major
652 renovation of such structures shall trigger compliance with both site design and building
653 design standards. When practicable, as determined by the Community Development Director,
654 the expansion of building footprints shall locate towards the property line of the future street
655 right of way as described in Table 21.60.4 except as permitted otherwise in this chapter and
656 in the Design Guidelines. Appeals of the Community Development Director’s decision shall
657 be processed as a Process II application (LMC 1.35.200). Compliance with standards should
658 be localized to the area of the building being altered. Particular emphasis ~~should~~ shall be
659 given to the provision of pedestrian amenities oriented towards the streets. For example, if a
660 building is expanded towards the street, elements such as building design features and
661 transparency, parking lot landscaping and pedestrian connections to the sidewalk are
662 expected to be accomplished.

- 663 3. The following expansions of non-conforming building floor area shall be exempt from the
664 requirements of LMC 21.60.400.A (1).
665 a. Any expansions increasing the combined total floor area of all the buildings on site by
666 15 percent or less.
667 b. Expansions that increase the height of the building, but not the building footprint.
668 4. The following New Development shall be exempt from the requirements of LMC
669 21.60.400.A (1).
670 a. The construction of new building(s) or the demolition of existing building(s) and
671 replacement with new building(s) (in whole or part), so long as the square footage of
672 the new building(s) does not expand the floor area of the total existing buildings on
673 site by more than 15 percent.
674 5. The 15 percent maximum increase in floor area referenced above in LMC 21.60.700.C (3)
675 and (C)(4) shall be based on building square footage of all buildings on site in existence
676 as of [INSERT EFFECTIVE DATE OF THIS ORDINANCE] and may be reached
677 through multiple additions, so long as the additional square footage does not exceed the
678 15 percent maximum.
679

680 D. Alternative Process for Compliance. The Community Development Director may approve a
681 plan and design for alteration of a nonconforming site or building that does not fully comply with
682 the requirements of subsections (B) and (C) of this section if the director finds that the alternative
683 plan and design provides overall a greater degree of compliance with the principle of this section
684 (as stated above). Appeals of the Community Development Director's decision shall be processed
685 as a Process II application (LMC 1.35.200). (Ord. 2554 § 10, 2005)

686 **Section 13.** LMC Section 21.60.800 is hereby amended as follows,

687 **21.60.800 Maximum amount of development in city center.**

688 In no case shall the total amount of development (including all land uses) in the city center exceed 9.1
689 million square feet. (Ord. 2554 § 11, 2005)

690
691
692 **Map CC-1**

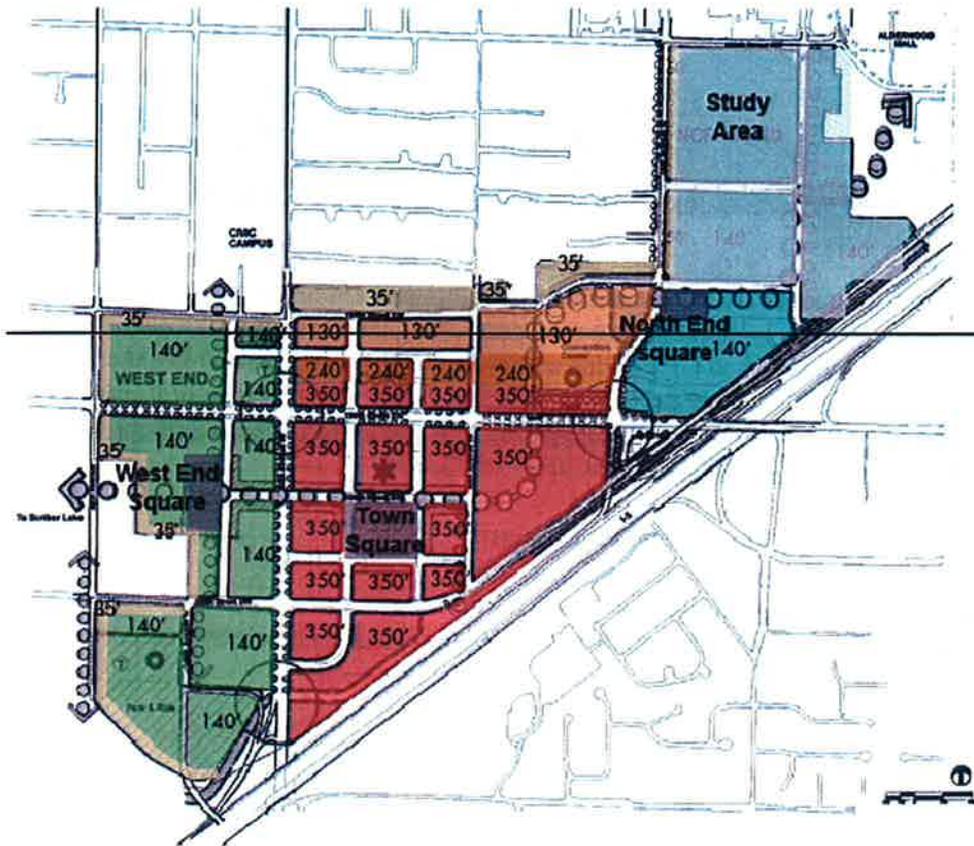
693
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Building Height Map

Note: maximum heights listed do not include allowance for unoccupied architectural features

Legend

- West End
- Core
- North End
- Minimized Area
(may be within 150' of single or multiple family zone)



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City of Lynnwood

October 20, 2004

Notes to Map CC-1:

1. Mechanical penthouses, stair/elevator overruns, and antennas may be excluded from building height calculation, provided they are no more than 20 feet above the roof deck.
2. Building height may be increased by up to 20 percent if the top is designed as a nonhabitable, architectural element. This allowance does not apply in the city center—core district (CC-C) where the maximum height is less than 350 feet.
3. The maximum height of any portion of a building lying within 150 feet of a residential district shall be 35 feet.
(Ord. 2554 § 6, 2005)

Section 14. The Lynnwood City Center Design Guidelines is hereby amended as provided for in Exhibit “A”, attached to this ordinance and incorporated herein by reference.

711 **Section 15.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or
712 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
713 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

714 **Section 16.** This ordinance or a summary thereof consisting of the title shall be published in the official
715 newspaper of the City, and shall take effect and be in full force five (5) days after publication.

716 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2011.

717
718 APPROVED:

719
720
721 _____
722 Don Gough, Mayor

723
724 ATTEST/AUTHENTICATED:

725
726
727
728 _____
729 Lorenzo Hines
730 Finance Director

731
732 APPROVED AS TO FORM:

733
734
735
736 _____
737 Rosemary Larson
738 City Attorney

739
740
741 FILED WITH ADMINISTRATIVE SERVICES: _____

742 PASSED BY THE CITY COUNCIL: _____

743 PUBLISHED: _____

744 EFFECTIVE DATE: _____

745 ORDINANCE NUMBER: _____

746
747

748
749 On the _____ day of _____, 2011, the City Council of the City of Lynnwood, Washington,
750 passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title,
751 provides as follows:

752 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, .
753 _____
754 _____
755 _____
756 _____
757

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

759 DATED this _____ day of _____, 2011.

760 _____
761 LORENZO HINES, FINANCE DIRECTOR
762
763
764
765

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770

771

EXHIBIT A

772

773

Amendments to Lynnwood City Center Design Guidelines

774

775



CITY CENTER

Design Guidelines

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INTRODUCTION

The provisions of this document shall apply to all development and redevelopment within the Lynnwood City Center. The degree to which each standard applies to a development ~~or /~~ redevelopment project shall be evaluated on a case by case basis in an effort to achieve an overall design that meets the purpose and intent of the City Center Design Guidelines. These guidelines are intended to carry out the Comprehensive Plan for the City of Lynnwood with respect to the Planning and Urban Design Principles of the City Center Sub-Area Plan, including:

- ~~Humanize~~ Scale of the streets and streetscapes in order to provide a strong visual character and to encourage pedestrian activity;
- Create an array of public spaces;
- Present a distinctive skyline for the City Center ~~as a highly visible symbol of commerce and vitality~~; and
- Encourage new ~~intense~~ high density development to display quality and character through materials and architectural expression.

Each standard includes examples and illustrations of ways in which the intent of the standard can be achieved. The graphic images are meant to be examples, and are not the only acceptable means towards accomplishing the intent of the standards. Applicants and project designers are encouraged to consider designs, styles, and techniques not pictured in the examples that fulfill the intent of the design standard.

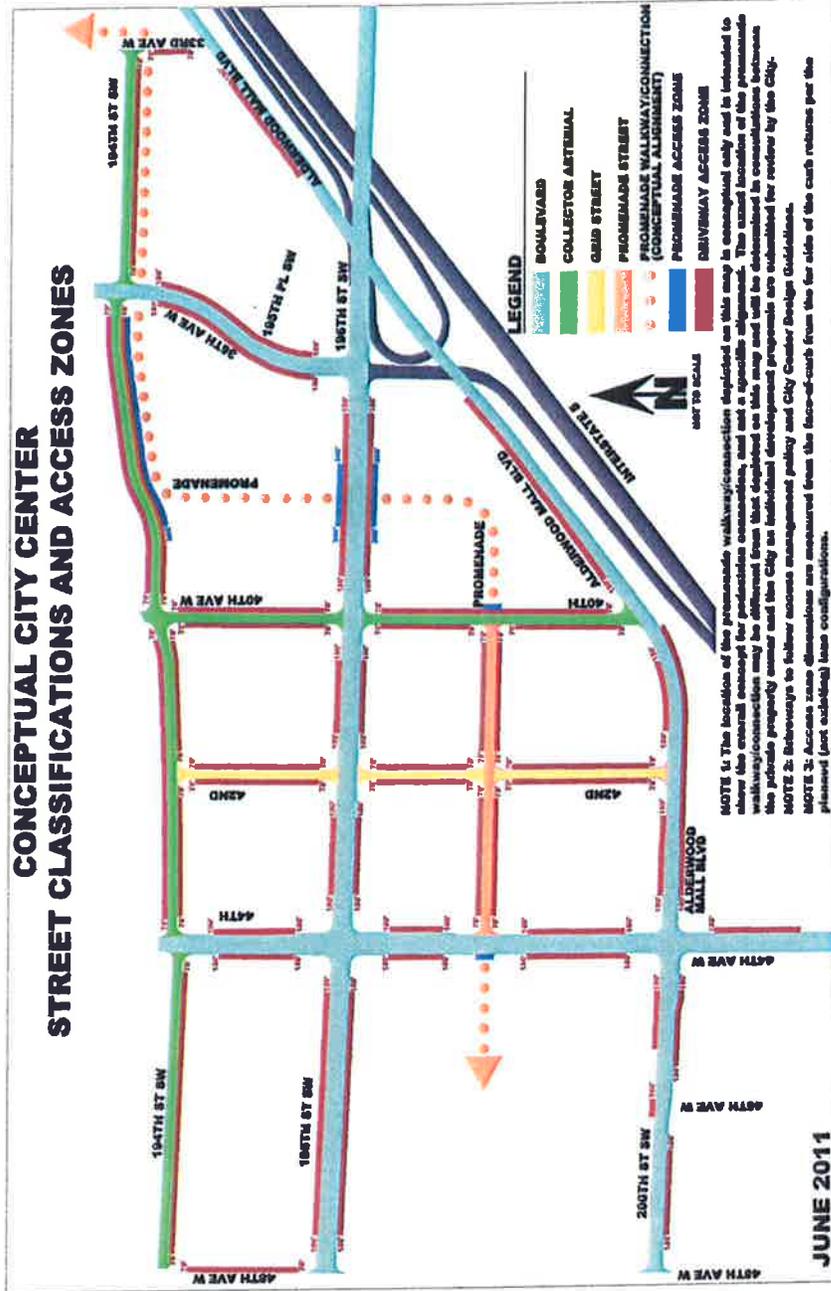
Some of the guidelines contained in this document use the word “shall” while others use the word “should”.

Regardless of which term is used, each guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to every one of the guidelines.

The “shall” statements, with such wording, are absolutely mandatory and offer relatively little flexibility unless choices are provided within the statement itself. All projects must include these elements as described.

However, guidelines that use the word “should” are meant to be applied with some flexibility. They indicate that the City is open to design features that are equal to, or better than, that stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets this test and determination will be made by the Community Development Director.

STREET CLASSIFICATION Figure 1:



CITY CENTER

**SITE DESIGN
STANDARDS**

Curb Cuts & Access Control

INTENT

To ensure that curb cuts do not detract from the continuity and safety of sidewalks, ~~particularly along Pedestrian Streets.~~

GUIDELINES

Access control within the city center shall comply with the City of Lynnwood Access Control Policy except as amended as follows:

1. Curb cuts shall be no wider than ~~36~~ 30 feet.
2. Curb cuts shall be no closer together than 200 feet, unless the dimension of a property's frontage precludes such spacing.
3. Curb cuts shall not be located along the Promenade ~~Pedestrian Streets~~, unless no other access to a property is available.
4. Curb cuts along Boulevards shall be located a minimum of 150 feet from signalized intersections, 100 feet from unsignalized intersections. For all other city center streets, curb cuts shall be located a minimum of 75 feet from an intersection. Left turn restrictions shall be imposed at curb cuts that do not meet these criteria.
5. Curb cuts shall be located within Driveway Access Zones (see Figure 1) and shall be consolidated and shared through access agreements, where possible.
6. Curb cuts are not required to be setback from property line.



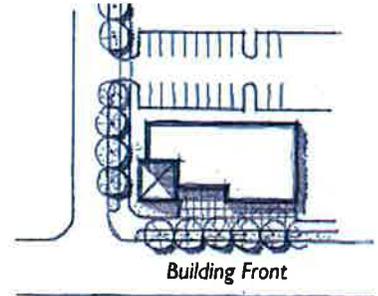
Surface Parking Lot Location

INTENT

To ensure that surface parking lots are not the dominant element within the City Center and to create a pedestrian-friendly environment.

GUIDELINES

1. Along ~~designated Pedestrian~~ the Promenade Streets (198th Street SW), surface parking shall not be located between a building and the street. be located to the rear of a building. No surface parking shall be adjacent to the street.
2. ~~Along designated Boulevards~~ Along any public street other than the Promenade Street surface parking should shall be located either to the side rear of a building or to the rear., but may be located to the side of a building if the building abuts a street and the parking is not located at any intersection. Parking lots shall not be located at intersections or within 150 feet of any intersection.
3. Project sites larger than one acre with surface parking shall submit a conceptual plan for the future placement of parking into structures or underground facilities.



Parking is located behind the buildings, not between the building and the street nor at the intersection

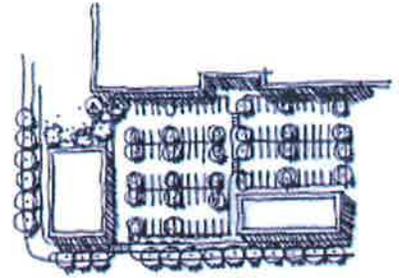
Interior Parking Lot & Site Landscaping

INTENT

To diminish the visual effect of ~~large areas~~ of surface parking and to contribute to the amount of vegetation in the City Center.

GUIDELINES

1. Surface Parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including:
 - Parking lot entrances
 - Ends of driving aisles
 - Defining pedestrian connection/walkways through parking lots.
2. Landscape areas next to a pedestrian connection/walkway shall be maintained and or plant material chosen selected to maintain a clear zone, except for tree trunks between 3 and 8 feet from ground level.
3. A setback shall be provided that allows space for all trees and shrubs where vehicle overhang extends into landscape areas.
4. The number of trees required in the interior landscape area in parking lots shall be dependant upon the location of the parking lot in relation to the building and public right-of-way:
 - ~~Where the parking lot is located between the building and the public right of way, one tree for every four spaces shall be provided (1:4).~~
 - Where the parking lot is located to the side of the building and/or partially abuts is visible from the public right-of-way, one tree for every ~~six~~ four spaces shall be provided (1:~~6~~).
 - Where the parking lot is located behind the building and is not visible from the public right-of-way, one tree for every eight spaces shall be provided (1:8).
5. Drought tolerant plants and/or plants native to the Pacific Northwest should be used. Temporary irrigation for plant establishment shall be provided.
6. All landscaped areas should be designed to minimize stormwater run-off by utilizing bioswales, rain gardens, filtration strips and other facilities where appropriate.
7. Pedestrian connection/walkways meeting provisions of that guideline may traverse required landscape areas.
8. A landscape maintenance plan, identifying maintenance tasks and schedules, shall be submitted to the City for review.



Parking Lot Screening

INTENT

To soften the impact of surface parking on the streetscape.

GUIDELINES

1. Parking lots that abut the public right-of-way and/or adjacent developments shall be screened with one or a combination of the following treatments:
 - Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of 3 feet.
 - Raised planter walls planted with a minimum of 50% evergreen plant materials not to exceed a total height of 3 feet, including the plant material planted on top.
 - Landscape planting consisting of 50% ~~evergreen trees,~~ evergreen plants and shrubs, and evergreen groundcovers.
2. ~~A minimum 5 foot wide landscape planting area shall be provided between parking lots and adjacent developments to include a year-round sight barrier except where parking lots have been consolidated.~~
3. Walls and raised planters shall not exceed a maximum height of 3 feet, unless all of the following are provided:
 - Screen treatment does not create a safety hazard.
 - Portion of treatment that is above 3 feet in height is a minimum of 75% transparent (i.e. see-through metal railing or other similar treatment).
4. ~~Chain link fencing shall not be permitted to screen or enclose parking along a public sidewalk. In addition, the use of~~ chain link fencing, wood fencing, razor ribbon, or barbed wire, or similar shall be prohibited.



Sidewalks and Street Trees Streetscape

INTENT

To produce a streetscape that is safe, convenient, comfortable and appealing for people on foot and to help frame the streets with vegetation.

GUIDELINES

1. Sidewalks, on-street parking and street trees shall be provided in accordance with the descriptions associated with each street type:

Boulevard (public):

- Sidewalks (both sides of street): 12 feet wide, including 5 foot wide planting-zone for tree wells along the curb plus 6" curb
- On Street Parallel Parking: None
- Street trees: Per City Center streetscape program, 30-35 feet on center, minimum of 2" caliper at time of planting

Pedestrian Promenade Street (public, 198th St SW):

- Sidewalks (both sides) 16 feet wide, including a 5 foot wide planting-zone for tree wells along the curb plus 6" curb
- On Street Parallel Parking: Both sides 8 feet wide
- Street trees: Per City Center streetscape program, 25 feet on center, minimum of 3" caliper at time of planting

Other Collector Arterial and Grid Street (public):

- Sidewalks on 194th St. SW (both sides): 12 feet wide, including a 5 foot wide planting-zone for tree wells along the curb plus 6" curb
- Sidewalks on 40th and 42nd Ave. W (both sides): 16 feet wide, including a 5 foot wide zone for tree wells along the curb plus 6" curb
- On Street Parallel Parking: Both sides 8 feet wide, except no parking along 40th Ave W.
- Street trees: Per City Center streetscape program, 25-30 feet on center, minimum of 2" caliper at time of planting

Vehicular Connection (private):

- On Street Parallel or Angled Parking: Optional, may be one or both sides of vehicular connection

2. Sidewalks shall be cast in place concrete with broom finish and scoring every 4 feet and shining around dummy joints and regular joints. Alternative sidewalk design concepts may be provided per the City Center streetscape program or may be approved by Community Development Director.

3. Tree planting pits shall be covered by ADA compliant decorative cast iron tree grates per City Center streetscape program. An electrical outlet shall be provided for street tree lighting. one of the following:

- Living plant material, surrounded by a low, protective and decorative metal fence.



Cast iron tree grates, of a type that meets ADA requirements.

4. Pedestrian scale decorative street lighting, no taller than 15 feet shall be provided at regular intervals. The proposed lighting support shall have banner arms or basket hooks. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions.

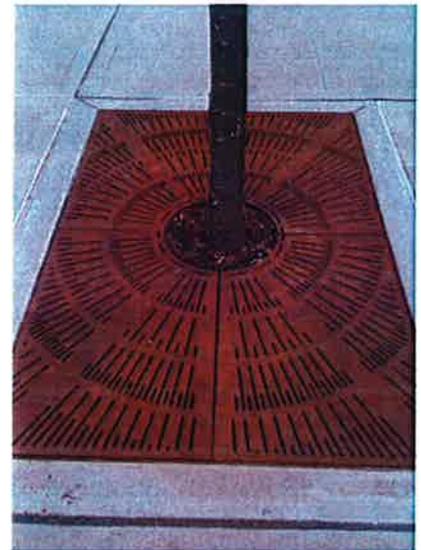
5. Cabinets and structures for traffic signals, utility connections and the like shall be located within the tree well zone between the curb and sidewalk.

6. At least four types of the pedestrian amenities listed below shall be included for each 100 lineal feet of public street frontage. Sites with less than 100 feet of frontage shall provide two amenities. The amenities shall be located where they best integrate with other site amenities. The amenities may be combined with guidelines for open space/public plazas and LMC provisions for area along the property frontage. If the amenities already exist along the property's frontage, they may satisfy the requirement. Amenities include:

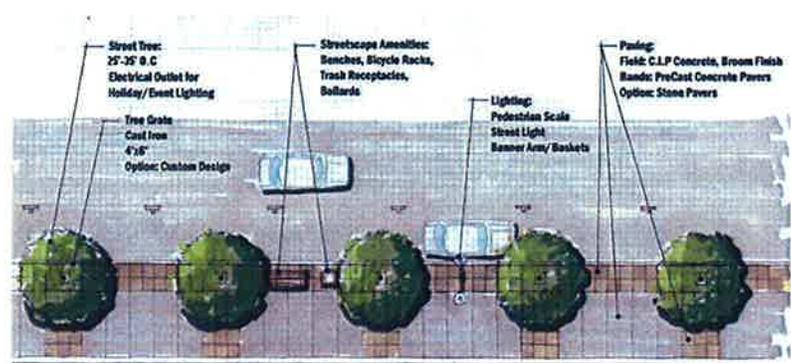
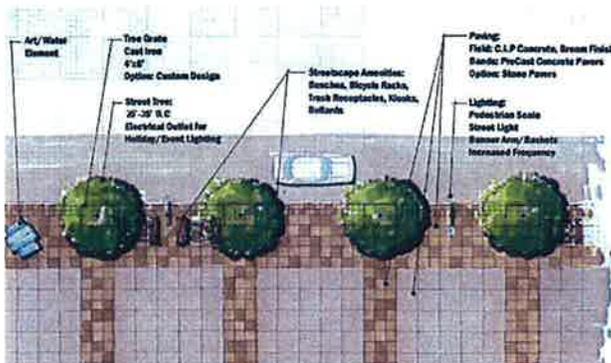
- Seating
- Trash receptacles
- Decorative paving patterns
- Planting beds, hanging flower baskets, large potted plants, and/or other landscaping and watering system if needed;
- Informational kiosks;
- Public Art;
- Decorative bicycle racks;
- Other methods may be proposed that meet the intent of this guideline

7. Transit shelters should not be considered as merely utilitarian structures but should convey a strong design identity and incorporate features such as artwork.

8. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.



Conceptual Streetscape Design Features



Site Lighting

INTENT

To ensure that lighting contributes to the character of the site, provides pedestrian scale interest and security throughout the site and does not disturb adjacent developments and residences.

GUIDELINES

1. Lighting shall be provided throughout the site to provide a safe and comfortable atmosphere.
2. Design of the lighting should complement other lighting elements used throughout and surrounding the site, such as pedestrian pathway lighting, light fixtures on the buildings and in the public right-of-way.
3. All lighting should be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.
4. The use of accent lighting is encouraged but should be combined with functional lighting to highlight special focal points such as building/site entrances, public art and special landscape features.
5. Lighting used should contribute to and integrate with the overall character of the site architecture or other site features.
6. Lighting used in parking lots shall not exceed a maximum of 30 feet in height. Pedestrian scale lighting shall be a maximum of 15 feet in height.
7. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions, for each applicable lighting type (i.e. Parking Lot, Walkways, etc.).



Pedestrian Connections / Walkways

INTENT

To ensure that the City Center is conducive to pedestrian circulation.

GUIDELINES

1. Walkways Connecting Building Entrances to Nearest Public Sidewalk. All major building entrances shall be connected with the nearest public sidewalk by a walkway that is ~~at least 8~~ a minimum of 10 feet wide and is separated from any adjacent parking stalls by a planting bed a minimum of 3 feet wide. (Buildings set to the back of the sidewalk automatically meet this standard.)
2. Walkways Through Surface Parking Lots. A walkway shall be provided through any surface parking lot with more than 30 stalls. Such walkways shall be a minimum of 8 feet wide and separated from any adjacent parking stalls by a planting bed at least 3 feet wide.
- ~~3. Walkways should be provided that allow pedestrians to walk safely between adjacent properties~~
3. Walkways Connecting Parcels. Walkways a minimum of 10 feet wide shall be provided that allow pedestrians to connect to all adjacent properties. These walkways shall connect to public sidewalks between the boundaries of the Driveway Access Zones (Figure 1).
4. Promenade Walkway. The Promenade walkway shall extend east and north from the 198th Street SW Promenade Street (public) at 40th Avenue W. to connect to 194th Street SW as depicted by Figure 1 for the Promenade Connection and Promenade Access Zones. The Promenade Walkway shall be a minimum of 16 feet average width. Properties located between the Promenade Access Zones shall demonstrate the provision of the Promenade Walkway through the site, connecting to and from other parcels to create a linear or meandering path as conceptually depicted in Figure 1 and will be determined through the project design review process. The objective of the Promenade Walkway is to provide pedestrian connectivity centrally through large blocks as conceptually depicted in the City Center Sub-Area Plan and should not be located primarily adjacent to or follow the public right of way, but may for portions and may be integrated into public sidewalk where appropriate as approved by the Community Development Director. The primary objective of the Promenade Connection shall be the pedestrian experience and connectivity; however vehicular access is permitted subject to standards for Vehicular Connections and Community Development Director approval. The Promenade Walkway is eligible for bonus floor area ratio per LMC 21.60.400



4. Walkways constructed prior to development occurring on adjacent properties shall stub-out the walkway at the property line, thereby setting the connection location for future redevelopment.



5. Uniform pedestrian scale lighting shall be provided along the length of the walkway on an individual parcel.

6. Walkways if not raised sidewalks shall use special decorative paving such as decorative concrete, or pavers (not exposed aggregate) to distinguish them from vehicular drive aisles.

7. At least three types of pedestrian amenities shall be provided in every 100 lineal feet of walkway, such as: seating, trash receptacles, potted plants or landscape features, artwork, and water features. Other amenities may be proposed that meet the intent of this guideline.



8. The applicant shall submit a plan for the walkway to include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the walkway on the site and connection to other parcels, and the relationship to and coordination with any plaza.



9. The entire walkway should be open and available to the public 24 hours a day. Temporary closures will be allowed for maintenance purposes.

10. The property owners of Walkways Connecting Parcels shall execute a legally binding access agreement providing that the walkway is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city attorney and be recorded with Snohomish County. The obligations under the agreement shall run with the land. At the end of 50 years from the date the agreement is signed, the agreement will be reviewed by the city and the agreement shall continue or change in accordance with the then-existing public need for pedestrian use and public access for subsequent 50-year terms.



11. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.

12. Walkway types may be combined, in total or in part. If they are combined, the portions that are combined will be held to the more restrictive standard.



Vehicular Connections

INTENT

To allow private vehicular connections through blocks between public streets in coordination with pedestrian connections / walkways, with pedestrian safety and experience as the priority.

GUIDELINES

1. Vehicular connections shall meet the standards of Pedestrian Connections, with vehicular service as secondary function and design.
2. When allowed, vehicular connections shall be a maximum of two lanes, with a 10 feet wide lane width or as needed per the building and/or fire code.
3. No parking other than parallel or angled parking shall be allowed on vehicular connections. Parallel parking may be located on one or both sides of the vehicular connection and shall be 8 feet in width per side. Angled parking may be on only one side of the vehicular connection.
4. Pedestrians shall be protected from vehicles by sidewalk or by use of design elements such as decorative protective bollards or large potted plants. Use of traffic calming features should also be incorporated, including but not limited to curb -extensions, speed tables, textured pavement, decorative pavers, and mini-roundabouts. Raised or flat cement concrete curb or curb and gutter are required on both sides of vehicular connections. Decorative storm drain covers should be provided. In areas with flat curb, appropriate storm drainage features are required.



Bicycle Facilities

INTENT

To provide bicycle stalls, storage and facilities and support reducing demand for parking.

GUIDELINES

1. All bicycle stalls shall be located in secure locations that do not impede pedestrian or vehicular flow and shall be well lit for nighttime use.
2. Design of the outdoor bicycle stalls shall compliment other pedestrian features and design of the building(s) and not be merely utilitarian structures.



Open Space/Public Plazas

INTENT

To provide a variety of public spaces in association with individual buildings, so that, over time, there ~~is~~ are numerous choices for gathering, meeting friends and associates, and enjoying good weather.

GUIDELINES

1. Every new building shall provide open space in an amount at least equal to 1% of the sum of the square feet of building area and the square feet of site area. This requirement may be combined with the Promenade Walkway and/or Community Gateways and Prominent Intersection guidelines to meet both requirements.
2. ~~Such space~~ Open Space/Public Plazas shall be located where it is visible and accessible from either a public sidewalk or a pedestrian connection.
3. ~~Such space~~ Open Space/Public Plazas shall include at least four types of the following features coordinated with amenities provided in walkways on the same site:
 - Benches. Ledges are also acceptable, as long as they are 15" to 18" in height.
 - Planting, including specimen trees, shrubs and seasonal plantings. Plantings may be potted or in other decorative housings.
 - Pedestrian scaled lighting
 - ~~Artwork.~~ Public Art
 - Water feature(s)-
 - Where open space abuts storefronts, accommodate accessory outdoor dining/seating
 - Trellis and/or shelter.
 - Decorative paving.
 - Other methods may be proposed that meet the intent of this guideline ~~Another feature not listed above~~
4. Between 625% and 9075% of the area of the space should ~~shall~~ be hardsurfaced.
5. ~~The space and any art or water within it qualify as bonus feature(s).~~ All features provided shall be durable materials designed for outdoor public use.
6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.
7. Open Space/Public Plazas may include or consist of active recreation areas



Community Gateways and Prominent Intersections

INTENT

To mark key intersections within and around the edges of the City Center.

GUIDELINES

1. At designated Gateways and Prominent Intersections, there shall be a Special features shall be provided at the corner of a site abutting or adjacent to next to the Gateways or Prominent Intersections (see Citywide Zoning Map for locations), street(s) and composed of at least two Three or more of the following elements features shall be included:

- Seasonal plantings
- Flowering Specimen tree(s).
- Public Artwork
- Monument
- Open space / plaza Public Space
- Special landscape treatment
- Water Feature
- Unique pedestrian-scale lighting
- Decorative paving
- Other methods may be proposed that meet the intent of this guideline

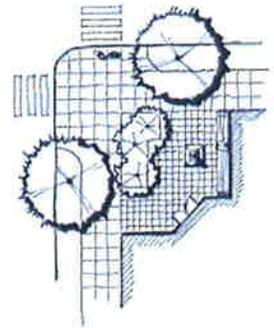
2. A Gateway or Prominent Intersection-Features may also be combined with a the Open Space/Public Space-Plazas to meet both requirements.

3. Corners of buildings may be setback from the property line to provide public plazas per Open Space / Public Plaza guidelines.

4. Features used shall be oriented towards both pedestrians and vehicles along the street right-of-way.

5. Features used shall not block vehicular sight distance requirements.

6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.



CITY CENTER

**BUILDING
DESIGN
STANDARDS**

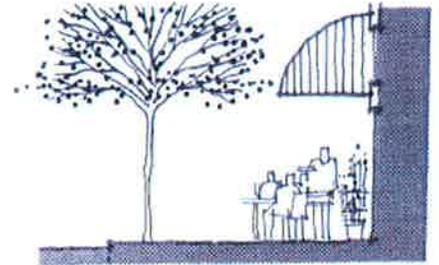
Building / Sidewalk Relationship

INTENT

To ensure that buildings within the City Center contain frame and enliven the streets and sidewalks.

GUIDELINES

1. Within the City Center, it is ~~expected that buildings~~ shall will be oriented to the adjacent street or public park rather than merely to a parking lot or structure. ~~In general, buildings should be set relatively~~ shall close to the directly about the back of the sidewalk (be located at the property line adjacent to the public right of way), if not directly abutting it. The façade nearest the sidewalk ~~shall~~ should incorporate windows, entrances, canopies and other features (see other guidelines which address these elements.)
2. Buildings may be set back from the sidewalk for the purpose of providing articulation of a building façade, and/or usable public space ~~, forecourts that are primarily hardscaped, or in order to provide vegetative screening of parking structures.~~
3. ~~Along Pedestrian Streets, it is expected that there will be relatively continuous facades lining the back of the sidewalk.~~
34. Setting full floor building facades close up to the street may be accomplished through base structures building area that extends out to the sidewalk, not necessarily the full height of the building.
4. Design of buildings shall avoid, requiring a fire lane between the building and the street.



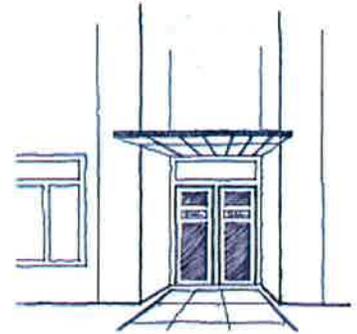
Street-Facing Entrances

INTENT

To reinforce pedestrian activity and orientation and enhance liveliness of streets through building design.

GUIDELINES

1. Entrances to buildings shall be visible from the street and oriented toward the sidewalk so that pedestrian access by foot is clear and convenient.
2. Entrances shall be given a visually distinct architectural expression by two or more of the following elements:
 - Prominent door and windows
 - Taller Bay(s)
 - Projecting Canopy
 - Slightly Recessed Facade
 - Set Behind a Forecourt
 - Portico with Distinctive Roof Form



Street Level Uses and Transparency

INTENT

To ensure that sidewalks are lined with activities and uses and visibility for that attract pedestrians.

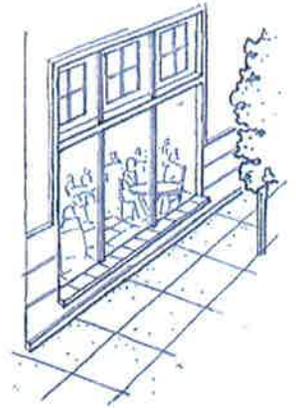
GUIDELINES

1. The ground level facades of buildings that are oriented to particular streets and the Promenade Connection Walkway shall have Pedestrian-Oriented Uses and transparent windows between an average of 2 feet and 10 feet above grade, starting no higher than 3 feet from grade, according to the following:

- Along Pedestrian Streets the Promenade Street and Promenade Connection Walkway a minimum of 60% in P-O Uses and transparency
- Along Boulevards, Collector Arterials, and the Grid Street: a minimum of 40% in P-O Uses and transparency
- Along Vehicular & Pedestrian Connections Other Streets: a minimum of 20% in P-O Uses and transparency

2. To qualify as transparent, windows shall not be mirrored glass or darkly tinted glass.

3. Where Pedestrian-Oriented Uses and transparency are is not provided required, the façade shall comply with the guideline entitled "Treating Blank Walls."



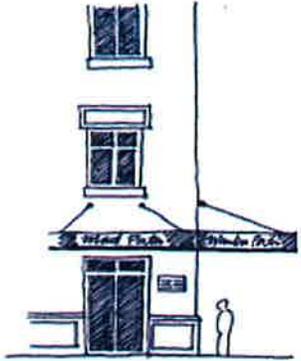
Weather Protection

INTENT

To provide pedestrians with cover from rainfall with durable and aesthetically pleasing canopies thereby making the experience of walking during inclement weather more pleasant.

GUIDELINES

1. ~~Along Pedestrian Streets,~~ Buildings that abut sidewalks and walkways shall provide canopies with a minimum width of 6 feet over the sidewalk that to provide weather protection shall be provided along at least 75% of the frontage. Canopies shall be a minimum of 8 feet above and maximum of 14 feet above the sidewalk or roadway.
2. Canopies may be constructed of ~~any permanent, durable material, but glass and/or steel, are strongly suggested. Wood, fabric and plastic awnings may not be used to meet this guideline.~~
3. Overhead, pedestrian-oriented signs may be hung from canopies.
4. Café table umbrellas are permitted where outdoor dining tables are permitted, but shall not replace provisions of this section.



Ground Level Details

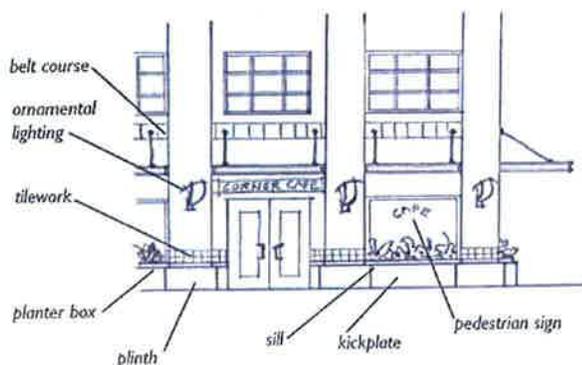
INTENT

To emphasize the importance of the sidewalk level as a place of activity and visual interest.

GUIDELINES

1. Ground-floor, street-facing façades of commercial and mixed used buildings along Pedestrian the Promenade Streets (198th Street SW) and Promenade Connection shall incorporate at least six (6) types of the following elements, while buildings along Boulevards, Collector Arterials, and Grid Street and Other Streets shall include at least four (4) types of the following elements:

- a)-lighting or hanging baskets supported by ornamental
- -brackets.
- b)-medallions.
- c)-belt courses.
- d)-plinths for columns.
- e)-shallow recesses.
- f)-awnings.
- g)-cornice.
- h)-pilasters.
- i)-kickplate for storefront window.
- j)-projecting sills.
- k)-tilework.
- l)-awnings.
- m)-pilasters.
- n)-pedestrian scale sign(s) painted on windows.
- o)-planter box.
- p)-Other methods may be proposed that meet the intent of this guideline
- ~~an architectural element not listed above, as approved, that meets the intent.~~



Treating Blank Walls

INTENT

To ensure that situations in which glass windows are not practical, there are still features that add visual interest and variety to the streetscape.

GUIDELINES

1. Where windows are not provided on walls (or portions of walls) longer than 30 feet which face streets or are visible from right-of-way, the street at least four of the following types of elements shall be incorporated:

- a) decorative masonry (but not flat plain concrete block)-
- b) concrete or masonry plinth at base of wall-
- c) belt courses of a different texture, material and/or color-
- d) projecting cornice-
- e) projecting metal canopy-
- f) decorative tilework-
- g) trellis containing planting-
- h) medallions-
- i) opaque or translucent glass windows-
- j) artwork-
- k) vertical articulation-
- l) lighting fixtures-
- m) architectural recesses-
- Other methods may be proposed that meet the intent of this guideline
- ~~n) an architectural element not listed above, as approved, that~~
- ~~meets the intent of these guidelines-~~

2. On pedestrian streets the Promenade Street (198th Street SW) and the Pedestrian Walkway where windows are not provided, no more than 10 feet unembellished surface shall be allowed.



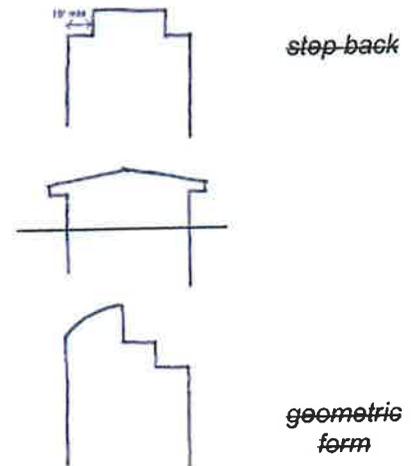
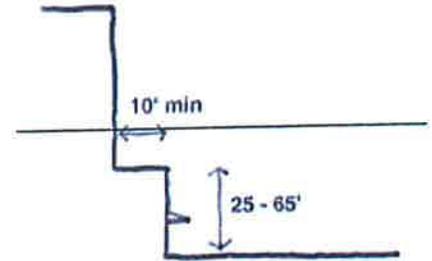
Upper Level Setbacks

INTENT

To reduce the bulk of taller buildings, to reinforce pedestrian scale on street frontages, and to allow for a reasonable visibility of the sky from street level.

GUIDELINES

1. Street-facing facades of buildings should step back. The amount of step-back should be sufficient to create a distinct "base."
2. Step backs shall be at least an average of 10 feet.
3. An upper level setback may incorporate a sloping roof.



Roof and Architectural Expression

INTENT

To create a skyline and built environment that is visually interesting.

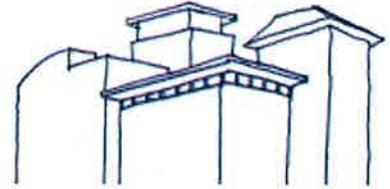
GUIDELINES

1. Buildings between ~~over 50-40~~ feet and 140 feet in height should incorporate features that create a visually distinctive roof form. The following are examples

of such features:

- Terraced Step Backs, 8 feet or greater on average
- Pitched Roof Elements
- Projecting Cornice Elements
- Trellises along the Parapet
- Geometric Forms (dome, pyramid, etc.)
- Change of materials or color on top floor

Note: ~~2. Buildings taller than 250 feet should incorporate step backs in their uppermost floors. Such~~
Step backs need not be located on all sides, but should be enough to create a distinct "top" to the building. Alternatively, a top may be created by another architectural device such as an overhang, geometric form, or decorative architectural feature.



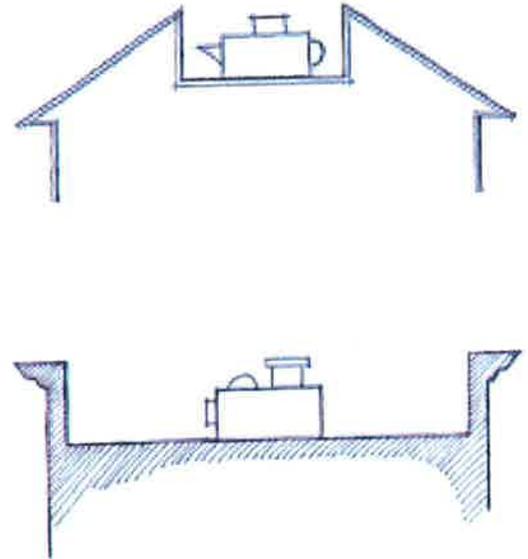
Screening Mechanical ~~Screening~~ and Communications Equipment on the Roof

INTENT

To conceal, to the greatest extent possible, equipment, dishes and other appurtenances located on the roofs of buildings or alternatively, to integrate them into the architecture.

GUIDELINES

1. All mechanical equipment located on or near the roof shall be contained within opaque parapet walls or placed behind (or within) roof forms. Plywood walls or chain-link fencing with slats are not acceptable forms of screening. ~~Whatever the~~ Screening method, it shall be integrated within-into the architectural design of the building.
2. Efforts ~~sh~~all ~~ould~~ be made to locate communication equipment so that it is not visible from nearby streets. ~~If it is possible to~~ conceal such ~~E~~quipment shall be concealed behind parapet walls if possible, and still allow it to operate, that is the ~~preferred method~~.



Screening of Parking Structures

INTENT

To reduce the visual impact of structured parking located above grade.

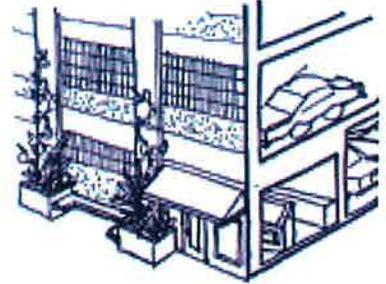
GUIDELINES

1. ~~The s~~Street-facing facades of parking levels within a building should shall be treated in such a way as to ~~seem~~ appear more like a typical floors, rather than open slabs with visible cars and ceiling lights. This may be accomplished by two or more types of the following methods:

- Square openings, rather than horizontal
- Planting designed to grow on the façade
- Louvers
- Expanded metal panels
- Decorative metal grills
- Spandrel (opaque) glass
- Other methods may be proposed that meet the intent of this guideline.

~~Other methods devices may be proposed that will accomplish meet the intent of this guideline.~~

2. Free-standing parking structures shall incorporate the above features on portions of the façade above the ground level. At ground level, parking structures they shall comply with Guidelines addressing Street Level Uses and Transparency, Weather Protection and Ground Level Details.



Gateway Locations

INTENT

To identify and highlight major entrances into the City Center.

GUIDELINES

1. Within designated Gateway Areas, buildings ~~are encouraged~~ to should incorporate architectural features that are bold and dramatic.

The following is a list of possible features:

- Tower forms at corners
- ~~Landscaped forecourts~~
- Large entries
- High bay lobbies
- More intense color
- Accent lighting
- Unusual shapes or forms
- Artwork, such as a sculpture or mural
- Other methods may be proposed that meet the intent of this guideline



CITY CENTER
**SIGN DESIGN
STANDARDS**

~~Pedestrian-Oriented Signs~~ Sign Types

INTENT

To ensure that the City Center reinforces pedestrian activity and commerce and to convey an image for the City Center that is urban in nature, rather than a collection of auto-oriented uses.

GUIDELINES

1. Pole signs shall not be permitted on any street within the City Center. Generally, signs shall be affixed to building facades, but monument signs, not exceeding 8 feet in height, are allowed on Boulevards, and Other Streets. The area around the base of such signs shall be landscaped with shrubs and seasonal color.
2. Free-standing signs shall not be permitted along the Promenade Street and Promenade Connection, any Pedestrian Street.
3. Roof top signs shall not be permitted within the City Center.



Integrating Signs with Architecture

INTENT

To ensure that signs design is ~~are~~ considered in the design of building-s and that the design of signs ~~is~~ fits with the building they are associated with.

GUIDELINES

1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, it is expected that such Ssigns shall be in conformance with an overall sign program for the building and project that allows for advertising which signage that fits with the architectural character, proportions, and details of the development.



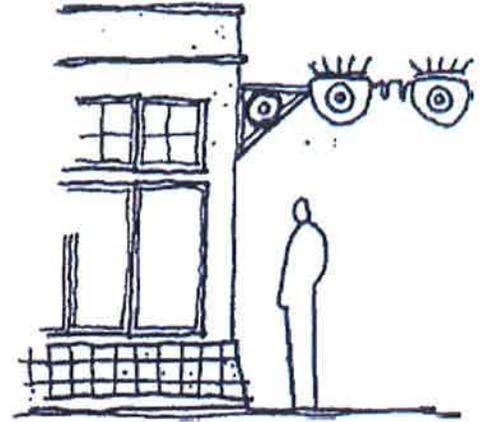
Creative and Artistic Elements

INTENT

To encourage businesses to employ graphic symbols, creative elements, lighting and other features to identify their products and services.

GUIDELINES

1. Signs should be expressive and individualized.
2. Signs should convey the product or service offered by the business in clear, graphic form.
3. Projecting signs, supported by ornamental brackets and oriented to pedestrians are strongly encouraged.
4. Neon may be used incorporated into signs in an artful way ~~in signs~~; however, simply outlining the roof or building in neon tubing shall not be allowed.



1 **DRAFT**

2
3 **CITY OF LYNNWOOD**

4
5 **ORDINANCE NO. _____**

6 AN ORDINANCE OF THE CITY OF LYNNWOOD,
7 WASHINGTON, AMENDING THE OFFICIAL ZONING MAP
8 OF THE CITY OF LYNNWOOD BY ADDING LOCATIONS OF
9 GATEWAYS AND PROMINENT INTERSECTIONS IN THE
10 CITY CENTER ZONES, PROVIDING FOR SEVERABILITY,
11 AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

12 WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws
13 of the State of Washington; and,

14 WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce
15 ordinances of all kinds relating to municipal affairs and appropriate to the good government of
16 the City; and,

17 WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553
18 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood
19 Comprehensive Plan; and,

20 WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554
21 adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new
22 chapter to Lynnwood Municipal Code Title 21; and,

23 WHEREAS, City Center Sub-Area Plan Policy CCUD 9 states,

24
25 “CCUD 9: Designate and Describe gateway treatments

26
27 Locations of gateways should be established, along with the nature of planting,
28 lighting and signage that would reinforce the sense of entering the City Center.”;
29 and,

30
31 WHEREAS, the City Center Sub-Area Plan identifies Gateways as a “Key Concept” and
32 states,

33
34 “2. Gateways

35 Major intersections and access points into the City Center should be identified and treated
36 as gateways. Gateway locations should include landmark type structures, significant
37 buildings and landscaping. These gateway features would provide orientation and
38 identity for the Center;” and,
39

40 WHEREAS, Lynnwood Municipal Code section 21.60.600 C addresses gateways and
41 prominent intersections and states,

42
43 “C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify
44 development project sites within a gateway or prominent intersection location. Such sites
45 shall be subject to applicable gateway and/or prominent intersection design guidelines in
46 the Lynnwood city center design guidelines. If any portion of a project site lies within a
47 gateway or prominent intersection location, then the entire project shall comply with the
48 applicable design guidelines.”

49
50 WHEREAS, after due deliberation the City Council of the City of Lynnwood has
51 determined to amend the official zoning map of the City of Lynnwood by adding Gateway and
52 prominent intersection locations in the City Center; and,

53
54 WHEREAS, the proposal was transmitted to State agencies for State agency review in
55 accordance with RCW 36.70A.106; and,

56
57 WHEREAS, on _____, 2011, the City of Lynnwood Planning Commission held a
58 duly noticed public hearing to take testimony on the proposed ordinance on and, following the
59 public hearing, made a recommendation to the Lynnwood City Council; and,

60
61 WHEREAS, on _____, 2011 the City of Lynnwood City Council held a duly
62 noticed public hearing to take testimony on the proposed ordinance; now therefore

63
64 WHEREAS, the City Council finds that it is in the interest of the public health, safety and
65 welfare to adopt this ordinance, now therefore,

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

68 **Section 1.** The official zoning map of the City of Lynnwood is hereby amended to
69 identify the location of gateways and prominent intersections as provided for in Exhibit “A”,
70 attached to this ordinance and incorporated herein by reference.

71
72 **Section 2.** If any section, sentence, clause or phrase of this ordinance should be held to
73 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
74 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,
75 clause or phrase of this ordinance.

76
77 **Section 3.** This ordinance or a summary thereof consisting of the title shall be published
78 in the official newspaper of the City, and shall take effect and be in full force five (5) days after
79 publication.

80

81 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2011 and
82 approved by the Mayor this _____ day of _____, 2011.

83
84 APPROVED:

85
86
87 _____
88 Don Gough
89 Mayor

90
91
92
93 ATTEST/AUTHENTICATED:

94
95
96
97 _____
98 Lorenzo Hines
99 Finance Director

100
101 APPROVED AS TO FORM:

102
103
104
105 _____
106 Rosemary Larson
107 City Attorney

108
109 FILED WITH ADMINISTRATIVE SERVICES: _____

110 PASSED BY THE CITY COUNCIL: _____

111 PUBLISHED: _____

112 EFFECTIVE DATE: _____

113 ORDINANCE NUMBER: _____

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EXHIBIT A

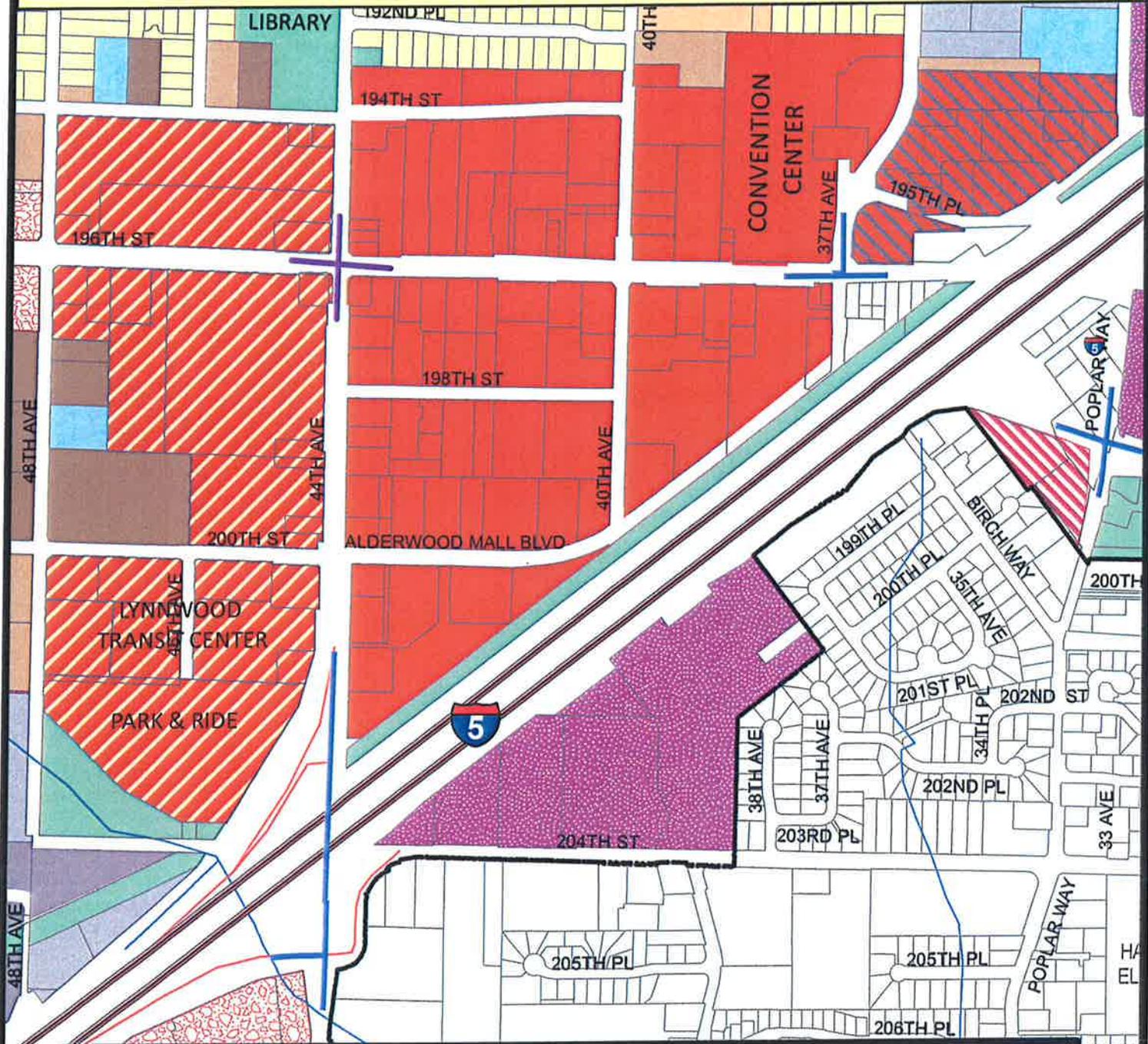
ZONING MAP AMENDMENT

Gateways and Prominent Intersection Locations

Current Zoning

Proposed Gateway & Prominent Intersection Locations

Effective through ordinance #2378
Effective date is 04/14/2011
Originally adopted on 10/29/1992, ordinance #1920
Created by the City of Lynnwood
Community Development Department
GIS\CurrentMaps\NewMaps\Zoning_2378



CURRENT ZONING

Residential

- RS8 - Residential 8400 Sq Ft
- RS7 - Residential 7200 Sq Ft
- RS4 - Residential 4000 Sq Ft
- MHP - Mobile Home Park
- RML - Multiple Residential Low Density
- RMM - Multiple Residential Medium Density
- RMH - Multiple Residential High Density

Commercial

- B1 - Community Business
- B2 - Limited Business
- B3 - Neighborhood Business
- B4 - Restricted Business
- CG - General Commercial
- PCD - Planned Commercial Development
- PRC - Planned Regional Center

Other

- BTP - Business/Technical Park
- LI - Light Industrial
- P1 - Public
- PUD - Planned Unit Development
- MU - Mixed Use
- CDM - College District Mixed Use
- CC-C - City Center Core
- CC-W - City Center West
- CC-N - City Center North

- College District Overlay
- Lynnwood City Limits
- Intersection Guidelines (ord #2388)
 - Gateway
 - Prominent
- Highway 99 Overlay (ord #2852)
- Interim Zone Effective 10/25/2009 through 4/25/2011



Note 1: Per section 17.02.250 and Chapter 17.10 of the Lynnwood Municipal Code (LMC), a property shall be subject to additional restrictions if it is located in an environmentally sensitive or critical area. For the location of these areas please see the Environmentally Sensitive Areas map and consult LMC Chapter 17.10.

Note 2: Streets, lots, and plats on this map are maintained by the Snohomish County GIS Department and may not be current.

**Lynnwood Planning Commission
Meeting of July 14, 2011**

Staff Report

Agenda Item: D-2

Electric Vehicle Infrastructure Code
Amendment (11CAM0001)

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

Lynnwood Community Development Dept.

ACTION

Following the public hearing, Planning Commission to make a recommendation to the City Council on the proposed ordinance related to electric vehicle infrastructure.

BACKGROUND

RCW 36.70A.695 requires that local governments adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas.

While this requirement can be met by applying the zoning code's accessory use provisions and by interpretation, specific development regulations promote certainty to the permitting process. An ordinance has been drafted which provides for specific definitions and provisions.

RELEVANT LEGAL CITATIONS

RCW 36.70A.695 States, in part,

“Development regulations — Jurisdictions specified — Electric vehicle infrastructure.

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.”

ANALYSIS AND COMMENT

1. The proposed ordinance amends Lynnwood Municipal Code (LMC) Title 21, Zoning, and LMC Chapter 17.02 “State Environmental Policy Act” related to electric vehicle infrastructure, to comply with the requirements of RCW 36.70A.695 by providing for definitions related to electrical vehicle infrastructure and providing for allowances for certain types of electrical vehicle infrastructure in zoning districts within the city of Lynnwood. The ordinance also has provisions for electric vehicle parking and also for SEPA exemptions related to electric vehicle infrastructure.
2. The proposed ordinance addresses two (2) types of electric vehicle infrastructure. These include: 1) Battery charging stations; and 2) Battery exchange stations, defined in the attached draft ordinance as follows:

A. Battery charging station

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

B. Battery exchange station

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

3. There are three different levels of Battery Charging Stations (Level 1, 2 and 3).

The two most common levels (Level 1 and Level 2) range from 110-240 volts. The third level (Level 3) is a rapid charging station that would likely operate at 440 volts. It is anticipated that Level 1 and 2 charging stations will be common to residences to allow electric vehicle owners charge vehicles at home (though some employers may also wish to provide Level 1 and level 2 charging facilities for employers and customers.)

The following table summarizes certain characteristics of these various charging levels.

Level	Volts/Amps	Charge Time
Level 1	120/15-20	16-24 Hours
Level 2	240/40	4-6 hours
Level 3	480/60+	< 1 hour

4. The proposed ordinance would provide for electric vehicle infrastructure in city zoning districts. In summary:

- In *single family and multi-family residential zones*, **Level 1 and Level 2 battery charging stations** are allowed as an accessory use provided that the use of the facilities is restricted; for example, to occupants of the single family home/multi-family complex and/or employees of a non-residential use that might be allowed in the residential zone.
- In *all non-residential zones*, **Level 1, 2 and 3 battery charging stations** are allowed as an accessory use to a principal use or conditional use.
- In *Industrial Zones (BTP (Business Technical Park) and LI (Light Industrial))*, **Battery exchange stations** are allowed as a principal permitted use.
- In certain *non-residential zones*, typically those where service stations are allowed as a conditional use, **Battery charging stations and Battery exchange stations (as principal uses)** are also allowed as a conditional use.
- In the *College District Zone*, **Battery exchange stations** require a conditional use permit and, even then, must be accessory to a permitted or conditionally permitted use. This more restrictive requirement is based on the zone's heavy emphasis on pedestrian orientation.
- In the *City Center zone*, Level 1, 2 and 3 **Battery charging stations** are only allowed as an accessory permitted use if contained within an enclosed parking structure or attached to the exterior of a building containing a principal use.
- In the *City Center zone*, **Battery exchange stations** are not proposed to be allowed. This requirement is based on the extensive emphasis of pedestrian oriented uses in this zone and the limitation on auto oriented uses.

A summary matrix of how electric vehicle infrastructure is proposed to be allowed in the City's various zones is attached.

5. The State legislation also includes a provision that expands State Environmental Policy Act (SEPA) exemptions to cover electric vehicle infrastructure. The proposed ordinance amends the City's SEPA regulations (LMC Chapter 17.02) to implement this.

6. The proposed ordinance also contains provisions for electric vehicle parking. Among those requirements include:

- Electric vehicles may be parked in any space designated for public parking, regardless of whether or not the parking space has electric vehicle charging capabilities.
- Electric vehicle charging station spaces shall be reserved for parking and charging electric vehicles, when charging at the space is available.
- There is no minimum required number of electric vehicle charging station spaces.
- Electric vehicle charging spaces shall be standard size stalls.
- Each charging station space shall be posted with signage indicating the space is for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting malfunctioning equipment or other problems.
- Spaces no longer used for electric vehicle charging shall have the electric vehicle infrastructure removed.
- Accessibility. Charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
- Signs for electric vehicle parking shall be consistent with the Manual for Uniform Control Devices (MUTCD).

7. Lynnwood Municipal Code section 21.20.500 provides the decision criteria for code amendments and states,

“21.20.500 Decision criteria.

The city may approve or approve with modifications a proposal to amend the text of the zoning code if:

A. The amendment is consistent with the comprehensive plan; and

B. The amendment is substantially related to the public health, safety or welfare; and

C. The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood.”

8. The proposed amendment is consistent with the Lynnwood Municipal Code section 21.20.500 as follows,

a. Consistency with the Comprehensive Plan. The City of Lynnwood comprehensive plan sustainability element supports the reduction of greenhouse gas emissions and energy conservation (See City of Lynnwood Comprehensive Plan Energy and Sustainability Element). Allowing for electric vehicle infrastructure is consistent with the Comprehensive Plan.

b. The proposed amendment is substantially related to the public health, safety or welfare.

In passing SSHB 1481, the legislature found that,

“...the development of electric vehicle infrastructure to be a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels and reducing the pollution of Puget Sound attributable to the operation of petroleum-based vehicles on streets and highways.”

The proposed amendment addresses these considerations, all of which are directly related to advancing the public health safety and welfare.

c. The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood. The proposed ordinance more clearly implements a requirement of State law, and will afford residents and property owners with electric vehicles potentially greater opportunities to recharge or exchange their electric vehicles batteries.

9. The proposed code amendment does not address the proposed Highway 99 zoning associated with the Highway 99 Sub-Area plan since it (Highway 99 zoning) is not yet adopted. Should however, the Highway 99 zoning be adopted prior to the electric vehicle code amendment, then it (Highway 99 zoning) will need to be amended as well to make provisions for electric vehicle infrastructure. Given the mixed use pedestrian orientation of the Highway 99 Mixed Use Zone, an approach similar to that of the City Center zone would be appropriate.

ENVIRONMENTAL REVIEW

On April 25, 2011, the City of Lynnwood's Environmental Review Committee issued a Determination of Non-Significance (DNS) for this code amendment proposal. The DNS means that there is no evidence of probable significant adverse environmental impacts resulting from this proposal.

No comments were received during the public comment period. No appeal was filed.

STATE AGENCY REVIEW

The proposed ordinance was transmitted to state agencies in accordance with RCW 36.70A.106. No comments were received.

RECOMMENDATION

Planning Commission to recommend that the City Council that:

1. The proposed ordinance be approved; and,
2. The Highway 99 Mixed Use zone, if adopted, be amended to allow Level 1, 2 and 3 battery charging stations as an accessory permitted use if contained within an enclosed parking structure or attached to the exterior of a building containing a principal use, and that battery exchange stations not be allowed.

ATTACHMENTS

Proposed Ordinance
Summary Matrix - Use Chart

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DRAFT

CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930, RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208, AMENDING LMC SECTIONS 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100, 21.52.100, 21.57.400, AND 17.02.230 FOR THE PURPOSES OF COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, during the 2009 session the Washington State Legislature passed Second Substitute House Bill 1481 (2SHB 1481), an Act relating to electric vehicles; and,

WHEREAS, 2SHB 1481 addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and,

WHEREAS, 2SHB 1481 requires certain cities allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas; and,

WHEREAS, the purpose of 2SHB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure that such a transition necessitates; and,

WHEREAS, on April 25, 2011, the city of Lynnwood issued a SEPA Determination of Non-Significance (DNS) on the proposal with no comments having been received or appeals filed; and,

WHEREAS, the proposal was sent to the Washington State Department of Commerce and State agencies in compliance with RCW 36.70A.106 with no comments having been received; and,

1 WHEREAS, on July 14, 2011, the City of Lynnwood Planning Commission held a
2 duly noticed public hearing on the proposed amendments; and,

3
4 WHEREAS, following the public hearing the City of Lynnwood Planning
5 Commission made a recommendation to the Lynnwood City Council; and,

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7 WHEREAS, on _____, 2011 the Lynnwood City Council held a duly noticed public
8 hearing on the proposed ordinance as recommended by the Planning Commission; now,
9 therefore

10
11
12 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
13 ORDAIN AS FOLLOWS:

14 **Section 1.** Lynnwood Municipal Code Chapter 21.02 entitled “Definitions”, is
15 hereby amended to re-number LMC 21.02.210 to LMC 21.02.208 and to include new
16 sections 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316,
17 21.02.593 as follows,

18 **21.02.081 Battery charging station**

19 “Battery charging station” means an electrical component assembly or cluster of
20 component assemblies designed specifically to charge batteries within electric vehicles,
21 which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW
22 and consistent with rules adopted under RCW 19.27.540.

23
24 **21.02.082 Battery exchange station**

25 “Battery exchange station” means a fully automated facility that will enable an
26 electric vehicle with a swappable battery to enter a drive lane and exchange the depleted
27 battery with a fully charged battery through a fully automated process, which meets or
28 exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and
29 consistent with rules adopted under RCW 19.27.540.

30
31 **21.02.20810 Cemetery.**

32 “Cemetery” means land used or intended to be used for the burial of the human dead
33 and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and
34 mortuaries when operated in conjunction with and within the boundary of such cemetery.

35
36 **21.02.209 Charging levels**

37 “Charging levels” means the standardized indicators of electrical force, or voltage,
38 at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3DC are the most
39 common EV charging levels, and include the following specifications:

40
41 A. Level 1 is slow charging. It requires a 15- or 20-amp breaker on a 120-volt AC
42 circuit and standard outlet.

1 B. Level 2 is medium charging. It requires a 40-amp to 100-amp breaker on a 240-
2 volt AC circuit.

3 C. Level 3 is fast or rapid charging. It requires a 60-amp or higher dedicated
4 breaker on a 480-volt or higher three-phase circuit with special grounding
5 equipment.

6
7 **21.02.304 Electric vehicle**

8 "Electric vehicle" means any vehicle that operates, either partially or exclusively,
9 on electrical energy from the grid, or an off-board source, that is stored on-board for motive
10 purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid
11 electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric
12 vehicle.

13
14 **21.02.308 Electric vehicle charging station**

15 "Electric vehicle charging station" means a public or private parking space located
16 together with a battery charging station equipment that has as its primary purpose the
17 transfer of electric energy (by conductive or inductive means) to a battery or other storage
18 device in an electric vehicle. Charging stations shall be allowed as an outside activity unless
19 otherwise provided for in this Title.

20
21 **21.02.312 Electric vehicle infrastructure**

22 "Electric vehicle infrastructure" means structures, machinery, and equipment
23 necessary and integral to support an electric vehicle, including battery charging stations,
24 rapid charging stations, and battery exchange stations.

25
26 **21.02.316 Electric vehicle parking space**

27 "Electric vehicle parking space" means any marked parking space that identifies the
28 use to be exclusively for the parking of an electric vehicle.

29
30 **21.02.593 Rapid charging station**

31 "Rapid charging station" means an industrial grade electrical outlet that allows for
32 faster recharging of electric vehicle batteries through higher power levels, which meets or
33 exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and
34 consistent with rules adopted under RCW 19.27.540

35
36 **Section 2.** Lynnwood Municipal Code (LMC) section 21.42.400 entitled "Accessory structures and
37 uses" is hereby amended as follows.

38
39 **"21.42.400 Accessory structures and uses.**

40 A. Solar Energy Systems. The use of solar energy systems (for example, attached solar
41 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient
42 method for producing energy and reducing energy consumption. The majority of residential
43 structures within Lynnwood were constructed before solar energy systems became a viable
44 means for producing energy, thus lot yard setbacks and height restrictions do not take such
45 systems into account. The city of Lynnwood finds that it is in the best public interest to
46 encourage solar energy systems. If it is found that a solar energy system would have a positive

1 impact on energy production and conservation while not having an adverse environmental
2 impact on the community, but the placement of such system requires violation of city setback
3 or maximum height limitations, allowance of such systems may be permitted through the
4 variance process and shall be encouraged. In viewing such variance request, the following
5 shall be considered in making a determination:

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

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

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

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

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

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

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46
47 **Section 3.** Lynnwood Municipal Code (LMC) section 21.43.400 entitled “Accessory structures and
48 uses” is hereby amended as follows.

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2 **“21.43.400 Accessory structures and uses.**

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

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

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

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

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

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

40 E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if
41 accessory to a school, church, park, or other facility of a similar nature. Such activities shall
42 not be subject to regulation by Chapter 5.30 LMC.”

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

1 **Section 4.** Lynnwood Municipal Code (LMC) section 21.44.100 entitled “Uses Allowed” (Public and
2 Semi Public Zone) is hereby amended as follows.

3
4 **“21.44.100 Uses allowed.**

5 A. Permitted Uses.

- 6 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone
7 are permitted.
8 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:
9 a. Churches;
10 b. Private or semiprivate memorial buildings;
11 c. Community clubhouses, convention centers, public golf courses, and accessory uses;
12 d. Art galleries, libraries, and museums;
13 e. Private schools, universities, and colleges;
14 f. Child day care;
15 g. Public parks, playgrounds, and schools;
16 h. Municipal buildings, including police stations, fire stations, and performing arts facilities;
17 i. Clubs or fraternal societies but not including those which provide entertainment or allow
18 alcoholic beverages;
19 j. Transit center;
20 k. Park-and-ride lots;
21 l. Park and pool lots;
22 m. Existing wastewater treatment plant.
23 3. Temporary Uses. The operation of hot air balloons in conjunction with a temporary special
24 event, subject to issuance of a temporary special event license in accordance with Chapter
25 5.30 LMC, except that no fee shall be required. Each applicant for such a temporary special
26 event license shall verify that the balloon is to be operated by a licensed pilot and shall
27 demonstrate adequate provisions for safe operation. No hot air balloon utilized in such a
28 temporary special event shall bear any symbols, letters, or pictures whatsoever.
29 4. (Battery) Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if
30 accessory to a permitted use or conditionally permitted use.
31 5. Battery exchange station. (Electric Vehicle), if accessory to a permitted or
32 conditionally permitted use.

33
34 D. Exemption from Conditional Use Permit Application Process. Some limited expansion of
35 use and structures of existing uses at the Lynnwood wastewater treatment plant may be
36 approved for exemption from the conditional use permit process by the community
37 development director if the proposed alteration meets the following criteria:

- 38 1. The alteration does not expand the treatment capacity of the plant.
39 2. The alteration does not result in a significant increase in noise, odor, traffic, or visual
40 impact.
41 3. Any proposal to add accessory structures does not result in the addition of more than 500
42 square feet of building coverage.”

43
44 **Section 5.** LMC section 21.46.100 entitled “Permitted structures and uses” (Commercial
45 Zones), is hereby amended as follows,

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47 **“21.46.100 Permitted Structures and uses.**

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A. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, except for one or more of the uses permitted by Table 21.46.01 through Table 21.46.13.

Table 21.46.01

Automotive Uses	B-4	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	-	P	-	P*	P	P
Auto Glass Stores	-	-	-	P	P	P
Auto Lubrication Stores	-	-	-	P	P	P
Auto Wrecking Yards*	-	-	-	-	-	C
Automobile Mechanical Repair	-	-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	-	C	P
Automobile Sales and Display*	-	-	-	P	P	P
Automobiles, rental or sale on open lot	-	-	-	P**	-	P
<u>(Battery) Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, Principal use</u>		<u>C</u>			<u>C</u>	<u>C</u>
<u>(Battery) Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, if accessory to a permitted or conditionally permitted use only.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Battery exchange station (Electric Vehicle), Principal use</u>		<u>C</u>			<u>C</u>	<u>C</u>
<u>Battery exchange station (Electric Vehicle), if accessory to a permitted or conditionally permitted use only.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Battery Service and Sales	-	-	-	P*	P	P
Car Wash	-	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	-	P
Park and Pool Lots*	C	C	C	-	C	C
Parking Garages and accessory refueling and servicing	-	-	P	P	P	P
Public and Private Parking Lots for Passenger Cars	-	-	C	P	P	P
Service Stations, full, self, or gas*	-	C	-	-	C	C

Tire Store, not including recapping	-	-	-	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	-	P	-	-
Tire, Brake, Muffler Tune-Up	-	-	-	P	P	P

1 *Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive
2 noise or other adverse environmental impacts.

3 ** (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway
4 on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where
5 the ramp connects to a public street) to the nearest point of the property).

6 (2) Sale of used vehicles as a principal use of the property is prohibited.

Table 21.46.02

Business Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Business Services, not including furniture or equipment sales	AI	P	AI	P	P	P
Business and Professional Services not mentioned elsewhere in this section	-	-	-	P	P	P

Table 21.46.03

Eating and Entertainment Uses	B-4	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	AI	P	AI	P	P	P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P
Restaurants and Cafeterias providing on-premises service only to seated patrons, no alcoholic beverages served*	AI	P	AI	P	P	P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges*	-	-	P	P	P	P-X
Restaurants, drive-in car service*	-	-	-	-	P	P-X
Taverns, Bars, and Cabarets	-	-	-	P	P	P

Table 21.46.04

Institutional Uses	B-4	B-3	B-2	PCD	B-1	CG
Child Day Care*	C	P	-	P	P	P-X

Churches, not using complementary parking	P	P	P	P	P	P-X
Churches with complementary parking*	C	C	C	P	C	C-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled*	C	C	C	C	C	C
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P	P-X
Municipal Services	P	P	P	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	C	P	P*	P	P	P-X
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	C	P	C*	P	P	P-X

* Minimum building site of three acres; see also LMC [21.02.175](#).

Table 21.46.05

Medical Uses	B-4	B-3	B-2	PCD	B-1	CG
Medical, Dental, Optical and Chiropractic Clinics	P	P	P	P	P	P
Veterinary Clinics*	-	-	-	P	P	P-X

Table 21.46.06

Office Uses	B-4	B-3	B-2	PCD	B-1	CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	P	P	P
Office as a Home Occupation*	C	C	C	-	C	C

Table 21.46.07

Personal Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Banks and other financial institutions	-	P	P	P	P	P
Barber Shops and Beauty Parlors	P	P	AI	P	P	P
Dressmaker and Tailoring Shops	C	P	-	P	P	P
Dry Cleaning and Laundry Plants	-	-	-	P	P	P
Dry Cleaning and Laundry, Self-Service	-	P	-	P	P	P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	P	P	AI	P	P	P

Locksmith	C	P	-	P	P	P
Pet Grooming	P	P	P	P	P	P-X

Table 21.46.08

Repair Services Uses	B-4	B-3	B-2	PCD	B-1	CG
Appliance Repair Shops and the like	-	P	-	P	P	P
Shoe Repair	C	P	-	P	P	P

Table 21.46.09

Recreational Activities	B-4	B-3	B-2	PCD	B-1	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	-	-	P	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	-	-	-	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P	P-X
Carnivals (see Chapter 5.30)	-	-	P	P	P	P
Circuses (see Chapter 5.30)	-	-	P	P	P	P
Dance Halls, licensed*	-	-	-	P	C	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	C	-	C	P
Health Clubs	-	-	-	P	P	P
Outdoor Ancillary Playground and related equipment	-	-	-	-	C	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	-	-	-	P
Overnight Campgrounds	-	-	-	-	-	C

* As measured from the property line of the parcel on which the center is located to the property line of the nearest residentially zoned parcel.

Table 21.46.10

Residential Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P	P
All uses permitted in single-family zones	-	-	-	P	-	-

Multiple-Family Housing Units*	-	-	C	-	-	-
Caretaker or Watchman Quarters	C	C	C	-	C	C
Living Quarters for Homeless Mothers*	P	P	P	P	P	P
Motels and Motor Hotels	-	-	P	P	P	P-X
Respite Care	C	C	-	P	P	P

Table 21.46.11

Retail Uses	B-4	B-3	B-2	PCD	B-1	CG
Apparel Shops	-	P	-	P	P	P
Appliance Stores, including incidental repair	-	-	-	P	P	P
Art Stores and Supplies	C	P	-	P	P	P
Audio Sales and Service	-	-	-	P	P	P
Bakery Retail Stores	-	P	-	P	P	P-X
Bicycle Sales and Repair	-	-	-	P	P	P-X
Boat and Equipment Sales and Display, indoors	-	-	-	P	P	P
Boats and Trailer, open lots for sale or rental of	-	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	-	P
Carpet Shops	-	-	-	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station*	-	P	-	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service station, self-service station, gas station*	-	C	-	-	C	C-X
Dairy Product Stores	C	P	-	P	P	P
Department Store	-	-	-	P	P	P
Drug Store	-	P	-	P	P	P
Dry Goods Store	-	P	-	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	AI	P	P	P
Fountains and Ice Cream Stands	-	P	-	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	-	P	-	P	P	P

Gift Shops	P	P	AI	P	P	P
Grocery Stores	-	P	-	P	P	P
Hardware Stores	-	P	-	P	P	P
Hobby Shops	C	P	-	P	P	P
Music Stores and Supplies	C	P	-	P	P	P
News Stands	P	P	AI	P	P	P
Office Supplies, not including furniture or equipment sales	AI	P	AI	P	P	P
Pet Shops	-	P	-	P	P	P-X
Retail Lumber Yards	-	-	-	-	-	C
Retail Stores not mentioned elsewhere in this section	-	-	-	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	-	P	-	P	P	P
Stationary Store	P	P	AI	P	P	P
Variety Store	-	-	-	P	P	P

Table 21.46.12

Light Industrial Uses+	B-4	B-3	B-2	PCD	B-1	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extruded, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	P
Cold Storage Lockers	-	AI	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	-	C

Ice Storage and Dispensing	A	A	A	-	A	A
Research and Development	-	-	P	-	P	P
Printing, Publishing, and Binding (no noise beyond the premises)	-	C	AI	P	P	P
Public Utilities Facilities*	C	P	-	P	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-	C-X

I *Inclusive of all aspects of the business.

Table 21.46.13

Other Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Establishments	-	-	-	-	-	CA
Adult Retail Uses	-	-	-	-	-	CA
Charitable or Relief Supplies Collection or Storage	-	-	-	-	C	C
Customer Parking, outdoor	A	A	A	-	A	A
Radio or Television Stations, not including Wireless Communications Facility	-	-	P	P	P	P
Recycling Collection Centers*	-	-	-	-	-	C
Temporary Special Events, per Chapter 5.30 LMC	-	-	P	P	P	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C	C	P	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	P	P	P	P	P	P
Wireless Communications Facility, Attached	P	P	P	P	P	P

- 2
- 3 +See LMC 21.46.110 through 21.46.119.
- 4 Key:
- 5 P = Permitted as principal use
- 6 A = Permitted as accessory use with a principal permitted or approved conditional use

- 1 C = May be permitted as a principal use upon approval of a conditional use permit
- 2 AI = Permitted as accessory use if located in the building of a permitted principal use, and
- 3 internally oriented with principal public access through the main access of the building
- 4 - = Not permitted
- 5 -X = Not permitted in controlled area
- 6 CA = Permitted only in controlled area. See LMC 21.46.120.
- 7

8 **Section 6.** LMC Section 21.50.100 entitled “Uses allowed in the industrial zones”
 9 (Industrial Zones) is hereby amended as follows,

10 **“21.50.100 Uses allowed in the industrial zones.**

11 **Table 21.50.01**

Use	BTP	LI
Accessory Greenhouses	AC*	-
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding	P	P
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	P	P
Auditoriums	-	P
Auto Wrecking Yards	-	C
Automotive and Machinery Repairing and Storage	-	P
Banks and Other Financial Institutions	C	-
Barber Shops and Beauty Parlors	AC*	-
<u>(Battery) Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted or conditionally permitted use.</u>	A	A
Battery exchange station (Electric Vehicle), Principal or accessory use	P, A	P, A
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	-	P
Bookstores, News Stands, and Stationery Stores	AC*	-
Bottling and Packaging Plants	C	-
Building Material Yards	-	P
Business and Professional Offices including offices of a clerical or administrative nature	P	P
Business Services and Office Supplies	P	-
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or of patrons)	-	AC
Contractor’s Offices, Shops, and Indoor Storage	P	P
Contractor’s Offices, Shops, and Storage Yards	-	P
Employees’ Cafeterias	AC	P
Florist Shops	AC*	-
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P

Furniture Manufacture and Repair Shops	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)	P	P
Wireless Communications Facility, Attached	P	P
Gift Shops	AC*	-
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	-
Research and Development	P	P
Laundry and Dry Cleaning Plants	-	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	-	P
Manufacturing Pharmaceuticals	-	C
Mass Transit Storage and Maintenance Facilities	-	C
Mini-Warehouses	P	-
Municipal Services	P	P
Park and Pool Lots	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC	-
Plant Nurseries	AC*	-
Printing, Publishing and Binding	P	-
Printing Plants	-	P
Public Utility Facilities	C	-
Recycling Collection Centers	-	C
Repair Shops for Household Appliances	AC*	-
Residences for Watchmen or Custodians	-	P
Restaurants providing on-premises service	AC*	-
Retail Lumber Yards	-	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	-
Veterinary Clinics and Veterinary Hospitals*	C	-
Warehouses (except mini-warehouses)	P	P
Wholesale trade (i.e., wholesale stores)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wood, Coal and Oil Fuel Yards	-	P

1 +See LMC 21.50.110.

2 Key:

3 P = Use is permitted as a primary use.

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

5 A = Permitted as accessory use with a principal permitted or approved conditional use.

6 AC = Use is permitted as an accessory conditional use and must be related to the principal use of the
7 tenant space or property.

8 AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

9 - = Use is prohibited.

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Section 7. LMC section 21.52.100 entitled “Outright permitted uses” (Mixed Use/Business Zone), is hereby amended as follows

“21.52.100 Outright permitted uses.

The following uses are permitted outright, provided such use complies with all zoning regulations of the city.

- A. All uses permitted in RS-8 zoning classification.
- B. Libraries, museums, art galleries, and similar institutions.
- C. A maximum density of 24 dwelling units per acre will be allowed in this zone. The development standards of the city’s RMH zoning classification will apply, except as otherwise changed by this chapter. Maximum residential density may be increased for nursing and convalescent uses, housing for the elderly, and housing for the physically disabled, as provided by LMC 21.43.110(G) and 21.46.116(C).
- D. Banks and other financial institutions.
- E. Business, professional, and medical office buildings, including offices of a clerical or administrative nature.
- F. Child day care.
- G. Churches with parking in accordance with standards of Chapter 21.18 LMC (see LMC 21.46.113).
- H. Municipal services.
- I. Motels and motor hotels (see LMC 21.46.116).
- J. Parking garages and accessory refueling and servicing.
- K. Professional services not mentioned elsewhere in this section.
- L. Public utilities facilities (see LMC 21.46.118).
- M. Radio and television stations, not including transmitting or receiving towers.
- N. Commercial schools, dancing, music, trade, etc.
- O. Retail uses (including restaurants), as permitted in the Community Business (B-1) zone
- P. (Battery) Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted use or conditionally permitted use.
- Q. Battery exchange station (Electric vehicle), as an accessory use only.
(see LMC 21.46.100 et seq.)”

Section 8. LMC section 21.52.120 “Uses allowed by conditional use permit” is hereby amended as follows,

“21.52.120 Uses allowed by conditional use permit.

The following uses are allowed in the Mixed Use/Business zone only by issuance of a conditional use permit:

- A. Retail uses (including restaurants), as conditionally permitted in the Community Business (B-1) zone (see LMC 21.46.100 et seq.). Uses that are conditionally permitted in the B-1 zone would require approval of a conditional use permit to locate in this zone. Applications for a conditional use permit will be processed concurrently, at the request of the applicant, pursuant to LMC 1.35.080.

1 B. Assembly of electronic, high-tech and related enterprises including minor processes such as
2 cutting, drilling, soldering, or minor welding, in spaces or 10,000 square feet or less (inclusive of
3 all aspects of the business).

4 C. Laboratories, including experimental, which do not involve the handling of hazardous
5 materials.

6 D. Veterinary clinics.

7 E. Battery exchange station. (Electric vehicle), as a principal use.”
8

9 **Section 9.** LMC Section 21.57.400 entitled “Land Uses” (College District Mixed Use Zone) is hereby
10 amended as follows,
11

12 **“21.57.400 Land uses.**

13 A. Principal Uses Permitted Outright.

14 1. College and university buildings, support services and college accessory facilities.

15 2. Library.

16 3. Public transit facilities.

17 4. Conference or community center (college/community meetings and activities).

18 5. Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.

19 6. Retail store or service business under 4,000 square feet GFA, including, but not limited to:

20 a. Convenience, drug or variety store;

21 b. Books, magazines, stationery and school supplies;

22 c. Child day-care center (fewer than 13 children);

23 d. Art gallery, art or photo studio, film/photo processing;

24 e. Art supplies store or frame shop;

25 f. Professional services (engineering, legal, medical, financial and similar);

26 g. Business services (bookkeeping, taxes, accounting, management, etc.);

27 h. Computer repair, maintenance and training, and related technical services;

28 i. Personal services (grooming, photo processing, counseling, tutoring, etc.);

29 j. Laundry self-service and pick-up station;

30 k. Shoe repair, tailoring, locksmith and similar personal services.

31 7. Movie theater (single-screen at neighborhood scale).

32 8. Medical office or clinic (limited services to neighborhood and/or college).

33 9. Food and beverage service businesses under 2,000 square feet GFA, including:

34 a. Donut shop, bakery or similar specialty-food outlet;

35 b. Cafe, coffee shop or restaurant;

36 c. Soda fountain, ice cream parlor, candy store;

37 d. Delicatessen or other specialty food store;

38 e. Tavern, brew pub or nightclub.

39 10. Multiple-family dwellings:

40 a. Maximum density: 20 units per net acre;

41 b. Minimum density: 12 units per net acre;

42 c. Density may be less than minimum if residential units are combined with other uses
43 in same building or on same lot.

44 11. Accessory parking lots and structures. Park-n-ride and park-n-pool facilities are not
45 permitted. Student/faculty parking shall be located west of 68th Avenue.

46 12. (Battery) Electric Vehicle Charging Station, Level 1, Level 2 or Level 3 if
47 accessory to a permitted use or conditionally permitted use.
48

1 B. Principal Uses Allowed by Conditional Use Permit.

- 2 1. Tavern, brew pub, club or restaurant that serves alcohol – when within or adjacent
3 to a structure that also contains residences or child care facilities.
4 2. Indoor amusements such as arcades, bowling, pool, card rooms, etc.
5 3. Athletic club or health spa (indoor facilities only).
6 4. Performing arts facility.
7 5. Child day-care center (13 or more children) per LMC 21.42.110(D).
8 6. Boarding house, dormitory or other group residential facilities suitable for students.
9 7. Inn, hotel or similar transient lodging (20 accommodations or less).
10 8. Battery exchange station (Electric Vehicle), and only if accessory to a permitted or
11 other conditionally permitted use

12
13
14 **Section 10.** LMC Section 21.60.300 entitled “Use Limitations” (City Center District (CC) Zone) is
15 hereby amended as follows,

16
17 **“21.60.300 Use limitations.**

18 All uses shall be allowed in the city center districts unless specifically prohibited below.

19 A. Prohibited in all city center districts:

- 20 1. Adult establishments;
21 2. Billboards;
22 3. Industrial uses (excluding management, research and development, and sales operations);
23 4. Outdoor storage or display of materials and equipment (except during construction);
24 5. Repair of vehicles, unless entirely within a building;
25 6. Sewage treatment plants;
26 7. Work release facilities;
27 8. Wrecking yards;
28 9. Secure community transition facilities;
29 10. Uses not fully contained within a building;
30 11. Battery exchange station (Electric vehicle).
31 12. (Battery) Electric Vehicle Charging Station, Level 1, Level 2 or Level 3. (except that
32 charging stations within an enclosed parking structure or attached to the exterior of a building
33 containing a principal use are permitted.)
34 13. Any other uses similar to those listed above or any other use determined by the
35 community development director to be inconsistent with the intent of city center districts as
36 described in this chapter and the city center subarea plan.

37 B. Additionally prohibited in the city center – core district (CC-C) (allowed in other districts):

- 38 1. Vehicle washing, unless located within a building or parking structure;
39 2. Drive-through businesses, unless located within a building or parking structure;
40 3. Gasoline service stations;
41 4. Mini-storage on the street level;
42 5. Outdoor sales of boats, vehicles, or equipment.

43 C. Additionally prohibited in the portion of the city center – core district (CC-C) that is north
44 of 194th St. SW:

- 45 1. Multiple-family residential.
46

1 **Section 11.** LMC Chapter 21.18 “Off-Street Parking” is hereby amended to include a new section
2 21.18.930 entitled Electric Vehicle Parking as follows,

3
4 **21.18.930 Electric Vehicle Parking**

- 5 A. General. Electric vehicles may be parked in any space designated for public parking,
6 regardless of whether or not the parking space has electric vehicle charging capabilities.
7 B. Electric Vehicle Charging Station Space.

8
9 1. Use. Electric vehicle charging station spaces shall be reserved for parking and
10 charging electric vehicles only during times the charging space is made available solely
11 for that purpose (see LMC 21.18.930(4)(a)) below for sign provisions if the charging
12 station has time limitations for its use).

13 2. Number. There is no minimum required number of charging station spaces.

14 3. Size. Where provided, spaces shall be standard (e.g. not compact) size stalls.

15 4. Location and Design Criteria. Where provided, electric vehicle charging station spaces
16 shall include the following:

17
18 (a) Signage. Each charging station space shall be posted with signage indicating the
19 space is for electric vehicle charging purposes. Days and hours of operations shall be
20 included if time limits or tow away provisions are to be enforced.

21 (b) Maintenance. Charging station equipment shall be maintained in all respects,
22 including the functioning of the charging equipment. A phone number or other contact
23 information shall be provided on the charging station equipment for reporting
24 malfunctioning equipment or other problems. Spaces no longer used for electric
25 vehicle charging shall have the electric vehicle infrastructure removed.

26 (c) Accessibility. Charging equipment shall be located so as not to interfere with
27 accessibility requirements of WAC 51-50-005.

28 (d) Signs for electric vehicle parking shall be consistent with the Manual for Uniform
29 Control Devices (MUTCD).

30
31
32 **Section 12.** LMC section 17.02.230 is hereby amended as follows:

33
34 **“17.02.230 Adoption by reference (WAC 173-806-180).**

35 The city adopts by reference the following rules for categorical exemptions, as supplemented
36 in this chapter, including WAC 173-806-080, Use of Exemptions, and 173-806-190,

37 Environmentally Sensitive Areas:

38 WAC

39 197-11-800 Categorical Exemptions.

40 197-11-880 Emergencies.

41 197-11-890 Petitioning DOE to Change Exemptions.

42 RCW 43.21C.410 Battery charging and exchange station installation.

43
44 **Section 13.** If any section, sentence, clause or phrase of this ordinance should be held to be
45 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
46 unconstitutionality shall not affect the validity or constitutionality of any other section,
47 sentence, clause or phrase of this ordinance.

1 **Section 14.** This ordinance or a summary thereof consisting of the title shall be published
2 in the official newspaper of the City, and shall take effect and be in full force five (5) days
3 after publication.

4

5 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2011.

6

7

APPROVED:

8

9

10

11

Don Gough, Mayor

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ATTEST/AUTHENTICATED:

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Lorenzo Hines

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Finance Director

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APPROVED AS TO FORM:

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Rosemary Larson

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City Attorney

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31

FILED WITH ADMINISTRATIVE SERVICES: _____

32

PASSED BY THE CITY COUNCIL: _____

33

PUBLISHED: _____

34

EFFECTIVE DATE: _____

35

ORDINANCE NUMBER: _____

36

37

1
2 On the _____ day of _____, 2011, the City Council of the City of
3 Lynnwood, Washington, passed Ordinance No. _____. A summary of the content of said
4 ordinance, consisting of the title, provides as follows:
5

6
7 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
8 ADDING NEW LMC SECTIONS 21.02.081, 21.02.082, 21.02.209,
9 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930,
10 RENUMBERING LMC SECTION 21.02.210 TO LMC SECTION 21.02.208,
11 AMENDING LMC SECTIONS 21.42.400, 21.43.400, 21.44.100, 21.46.100,
12 21.50.100, 21.52.100, 21.57.400, AND 17.02.230 FOR THE PURPOSES OF
13 COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF
14 ELECTRIC VEHICLE INFRASTRUCTURE., PROVIDING FOR
15 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
16 PUBLICATION.
17

18 The full text of this Ordinance will be mailed upon request.
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20 DATED this _____ day of _____, 2011.
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26 _____
27 FINANCE DIRECTOR
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ELECTRIC VEHICLE INFRASTRUCTURE PROPOSED CODE AMENDMENT SUMMARY								
ZONES	Level 1 Charging (Principal Use)	Level 1 Charging (Accessory Use)	Level 2 Charging (Principal Use)	Level 2 Charging (Accessory Use)	Level 3 Rapid Charging (Principal Use)	Level 3 Rapid Charging (Accessory Use)	Battery Exchange Station (Principal Use)	Battery Exchange Station (Accessory Use)
RS (1)		P		P				
RM (2)		P		P				
P		P		P		P		P
B4		P		P		P		P
B3 (3)	C	P	C	P	C	P	C	P
B2		P		P		P		P
PCD		P		P		P		P
B1(3)	C	P	C	P	C	P	C	P
CG (3)	C	P	C	P	C	P	C	P
PRC (3)	C	P	C	P	C	P	C	P
CR (3)	C	P	C	P	C	P	C	P
BTP		P		P		P	P	P
LI		P		P		P	P	P
MU/B (3)	C	P	C	P	C	P	C	P
CD (4)		P		P		P		C
CC (5)		P		P		P		

NOTES

1. **Single Family Residential Zones - Level 1 and Level 2 Battery charging stations** are allowed as an accessory use but shall be privately owned with restricted access (e.g. occupants of a single family home, employees and members of the congregation in the case of a religious institution.) The battery charging station shall not be open for use to the general public.

2. **Multiple Family Residential Zones - Level 1 and Level 2 Battery charging stations** are allowed as an accessory use but shall be privately owned with restricted access (e.g. renters of a multiple family dwelling complex, employees and members of the congregation in the case of a religious institution.) The battery charging station shall not be open for use to the general public.

3. **PRC-Planned Regional Commercial, CR-Commercial Residential, B3-Neighborhood Business, B1-Community Business, CG-General Commercial Zones, and MU-Mixed Use/Business - Level 1, 2 and 3 Battery charging stations and battery exchange stations**

permitted as accessory uses; require a conditional use permit if a principal use. These zones have greater allowances for auto oriented uses than do other commercial zones and therefore are proposed to allow electric vehicle infrastructure as principal uses subject to conditional use permit.

4. CD - College District Zone - Battery exchange station requires conditional use permit and must be accessory to a permitted or conditionally permitted use.

5. CC - City Center Zone - Level 1, 2 and 3 Battery charging stations only allowed as an accessory permitted use if contained within an enclosed parking structure or attached to the exterior of a building containing a principal use. **Battery exchange stations** not allowed.

LEGEND

- RS Single Family Residential Zones
- RM Multiple Family Residential Zones
- P Public and Semi-Public Zone
- B4 Restricted Business
- B3 Neighborhood Business
- B2 Limited Business
- PCD Planned Commercial Development
- B1 Community Business
- CG General Commercial Zone
- PRC Planned Regional Commercial
- CR Commercial Residential
- BTP Business Technical Park
- LI Light Industrial
- MU/B Mixed Use/Business
- CD College District Zone
- CC City Center Zone