

# AGENDA

## Lynnwood Planning Commission

Thursday, March 28, 2013 — 7:00 pm

City Hall, Council Chambers, 19100 – 44<sup>th</sup> Ave. W., Lynnwood WA

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### A. CALL TO ORDER – ROLL CALL

### B. APPROVAL OF MINUTES

Approval of the minutes of the February 14, 2013 meeting.

Approval of the minutes of the February 28, 2013 meeting.

### D. CITIZEN COMMENTS – on matters not on tonight's agenda.

### E. PUBLIC HEARINGS

#### 1. CODE AND ZONING MAP REVISIONS RELATED TO THE B-2 AND B-3 COMMERCIAL ZONES

Public hearing regarding proposed amendment of the Zoning Code and Zoning Map related to the B2 and B-3 commercial zones.

### F. WORK SESSIONS

#### NEW BUSINESS

#### 1. 2013 COMPREHENSIVE PLAN AMENDMENTS

Discussion of potential amendments to the Comprehensive Plan.

#### OLD BUSINESS

#### 2. CODE REVISIONS RELATED TO THE HIGHWAY 99 SUBAREA PLAN

Continued discussion of proposed amendment of land use regulations that further implement the Highway 99 Subarea Plan.

#### 3. MIXED-USE REGULATIONS FOR THE PLANNED REGIONAL SHOPPING CENTER AND PLANNED COMMERCIAL DEVELOPMENT ZONES

Continued discussion of proposed amendment of land use regulations relating to residential land uses within commercial zones.

### G. OTHER BUSINESS

### H. COUNCIL LIAISON REPORT

### I. DIRECTOR'S REPORT

### J. COMMISSIONERS' COMMENTS

### K. 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.*

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<b>CITY OF LYNNWOOD          PLANNING COMMISSION MINUTES          February 14, 2013 Meeting</b>
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<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Paul Krauss, Comm. Dev. Director
Chad Braithwaite, Second Vice Chair	Corbitt Loch, Dep. Director Comm. Dev.
Maria Ambalada	Shay Davidson, Administrative Asst.
Doug Jones	
<b>Commissioners Absent:</b>	
Michael Wojack	<b>Other:</b>
Robert Larsen, First Vice Chair	Councilmember Van AuBuchon

**Call to Order**

The meeting was called to order by Chair Wright at 7:14 p.m. It started late due to equipment issues.

**Election of Officers**

Director Krauss explained that Vice Chair Larsen who was unable to attend had indicated he would be willing to serve as Vice Chair again if it was the desire of the Planning Commission.

Chair

*Motion made by Commissioner Braithwaite to nominate Richard Wright as Chair.*

*Motion made by Commissioner Ambalada to nominate Chad Braithwaite as Chair.*

*By a show of hands, Richard Wright received 3 votes. Chad Braithwaite received one vote. Richard Wright was elected Chair.*

First Vice Chair

*Motion made by Commissioner Ambalada to nominate Robert Larsen as First Vice Chair.*

*Seeing no further nominations, there was consensus to elect Robert Larsen as First Vice Chair.*

## Second Vice Chair

*Motion made by Commissioner Ambalada to nominate Chad Braithwaite as Second Vice Chair.*

*Seeing no further nominations, there was consensus to elect Chad Braithwaite as Second Vice Chair.*

## **Approval of Minutes**

- 1. September 27, 2012 Meeting**
- 2. December 5, 2012 Meeting**
- 3. January 10, 2013 Meeting**

*Motion made by Commissioner Ambalada, seconded by Commissioner Jones, to approve the minutes from September 27, 2012; December 5, 2012; and January 10, 2013. Motion passed unanimously.*

## **Citizen Comments**

None.

## **Public Hearings**

None.

## **Work Session**

- 1. Planned Regional Shopping Center Zone - Mixed Use Regulations**  
Continued discussion of potential amendment of land use regulations relating to multi-family dwellings.

Deputy Director Loch stated that this item was back again for continued discussion about the nature of regulations that should apply to residential uses in the Planned Residential Commercial (PRC) zone. He explained that there have been some new related issues since this was brought to the Planning Commission previously so staff wanted to bring it back for confirmation and clarification.

One of the changes is that Snohomish County is looking to establish new population and employment growth targets for Lynnwood and other jurisdictions within the county out to the year 2035. Staff does not have the final numbers yet, but is certain there would be some increase in residential population for the City required. This is an extension of the previous "growth targets" from 2025 to 2035. Also, in January 2013, the

City Council directed staff to identify areas for population growth located near the mall. Additionally, the planned Lynnwood Place project has a large number of dwellings within it. If that were approved it would influence the area around the mall.

Residential uses are already allowed in the PRC, but the rules that apply are very stringent and make residential development cost prohibitive. Staff has proposed some amendments to the zoning to give more flexibility and more opportunity for property owners to actually realize multifamily development in a mixed use scenario. These are the same changes that were discussed by the Planning Commission in May of 2012.

Staff recommends the following:

- Allow multifamily residences on the second floor and up (instead of prohibiting multifamily on the first, second, and third floors).
- Allow greater than 35% of building area for residential purposes.

Deputy Director Loch discussed a letter from Edmonds School District regarding the bus barn site. This property has a Planned Commercial Development (PCD) zoning. The school district is asking that the same regulations be adjusted equally on both the PCD and the PRC zoning districts. Staff would like to prepare this for a public hearing which would come back to the Planning Commission. Deputy Director Loch solicited comments or questions from the Planning Commission.

Discussion:

Commissioner Braithwaite brought up the economics of multifamily versus single-family residences in terms of the services required for them. He asked how changing this area to multifamily zoning might affect the city's budget in terms of providing services to the residents. Director Krauss replied that there is a misconception that newer multifamily development creates more demand for services than it pays back in taxes. He stated that there is actually a net benefit to the city because the multifamily residents in newer buildings generally require fewer services than single-family homeowners. One of the reasons is that many people in apartments don't have kids so there is minimal impact to schools. Also, the residents are often younger and don't have as many demands on emergency services. Apartments have the direct benefit of property taxes, but there are also more consumers located in a fairly concentrated area. Regardless of these benefits, Director Krauss pointed out that the City is in the business of providing services and they have multiple means of income to do it.

Commissioner Braithwaite asked what size building staff was envisioning. Director Krauss said they don't know at this point what will be proposed.

One investment group has talked to them about a building that would be 7 or 8 stories. The school district would like flexibility also. He discussed common building styles that can be seen in Shoreline along Highway 99. Lynnwood Place is proposing 500 apartments that are a mix of one and two bedrooms. Commissioner Braithwaite asked if they are going to be addressing the density or height limits. Director Krauss stated that the current ordinance constraints are for a building that doesn't exist and probably won't exist. However, it's always been theoretically possible to put multifamily buildings in that area. Director Krauss stated that there has not been a height limit in the Alderwood Mall commercial area in all the years it's existed.

Commissioner Ambalada commented on the demand for apartments for career people. She wondered if they could create residences and work areas for professional, business tenants to live with physical fitness areas on the first floor. She thinks this would be a revenue source for the City and would help to complement the mall by creating a positive environment around the mall. Director Krauss commented that home occupations are already allowed in multifamily in the same way they are allowed in a single-family dwelling. He noted that there is a specific type of live/work development that is occasionally found. These look like townhouses with the lower floor being a retail area and the upper floor being residences. These types of development tend not to be very high density, but more like townhouses. He discussed the mutually supportive synergies between higher density housing and retail commercial. He also discussed the excellent public transportation with Community Transit in that area. In the future, if the voters approve the next phase of Sound Transit up to Everett, there is supposed to be a stop at Alderwood Mall.

Commissioner Ambalada asked about several items the Council had requested be answered in writing. Director Krauss explained that those questions are answered in the packet that has gone back to the City Council.

Commissioner Braithwaite referred to verbiage stating that "Dwellings are not permitted within the ground/street levels of buildings." He suggested that if there are different grades, they might want to clarify that it is the street level facing the major street that they are referring to.

Staff indicated they would bring back a final version of the ordinance prior to moving it forward to a public hearing.

*Motion made by Commissioner Braithwaite, seconded by Commissioner Ambalada, to direct staff to modify the amendments, including the purple areas (PRD) and bring it back to the Planning Commission at another work session in the future. Motion passed unanimously.*

**2. Annual Reports - Community Development and Hearing Examiner**  
Presentation of 2012 annual reports for the Community Development Department and the Hearing Examiner.

Director Krauss explained that the Hearing Examiner didn't have any recommended changes for ordinances or procedures this year. He did, however, have one very big case that he had to officiate in which took up most of his time. Staff anticipates him having more time to work on other items this year.

The report on the Planning Commission lists the major topics they handled in the 2012. Council also asks staff to provide information on attendance.

- Commissioner Braithwaite commented that he was actually the Second Vice Chair in 2012.
- Commissioner Ambalada said she would like to see the minutes for January 10, 2012 because she thought she had perfect attendance. She also mentioned additional training. Director Krauss said a number of commissioners over the years have attended various trainings. He encouraged commissioners to let him know if they are interested in any particular training.
- Commissioner Jones noted the report says he was appointed to fill Commissioner Davies' vacancy, in 2012, but he thought this occurred in 2011.
- Regarding absences, Commissioner Ambalada asked if the commissioners could just have their absences excused by the rest of the Commission. Director Krauss said they could, but the Council has asked for a simple list of which meetings were attended and which ones weren't. Staff does not doubt that there was a very good reason in each instance. They are very gratified with the excellent attendance they get.
- Chair Wright pointed out that position 2 has been vacant for over a year. He requested that this be addressed later.

*Motion made by Commissioner Braithwaite, seconded by Commissioner Jones, to approve the annual report as amended. Motion passed unanimously.*

**3. 2013 Work Plan and Meeting Schedule**

Discussion of the Planning Commission's draft work plan and schedule for 2013.

Deputy Director Loch reviewed the proposed 2013 Planning Commission Work Program as laid out in the memorandum in the Commission's packet. He explained that the bulk of the items relate to the 2015 update of the Comprehensive Plan. Commissioner Braithwaite requested as much notice as possible about scheduled meetings and cancellations. He

also requested that packets be made available to the Planning Commission prior to the weekend for review.

Director Krauss added that this proposed work plan is staff's best shot at identifying issues, but unexpected things always come up. He commented that there is another issue coming up that he will need to brief the Commission on. Under the Growth Management Act the state allocates potential growth with growth targets for each county. The county is then supposed to work with cities to allocate that growth so that cities can plan for it. The growth targets have just been elevated from 2025 to 2035. Lynnwood had already planned to add around 10,000 more people in the 2025 timeframe and had ways of accommodating them, mostly in the City Center and along Highway 99. The new growth targets have been the subject of ongoing negotiation at Snohomish County Tomorrow meetings. He went to the Council about three weeks ago with negotiations that indicated the City may be asked to accept another 900 people. However, as this is unfolding, he noted that that number may change. Staff has come up with ways to increase the City's ability to accept more residents by a couple thousand people if the Council approves some changes to the Comprehensive Plan. He will be giving the Commission updates on this in the next couple months.

### **Other Business**

None.

### **Council Liaison Report**

Councilmember AuBuchon thanked the Planning Commission and staff for their hard work on the Lynnwood Place project. It was very well done and they hope to move that project along. He requested that the 2013 Planning Commission Work Program be shared with the Council via Beth Morris for their information. Regarding Chair Wright's concern about the vacant Planning Commission position, he stated that he and the Council are prepared to do something about this as soon as the Mayor brings something to them.

### **Director's Report**

Director Krauss commented that the Lynnwood Place project process is moving forward faster at the City Council than they would have guessed. The first part of the hearing was held on Monday, but the Council left the record open until Tuesday when they had a Special Business Meeting. The Council is set to start deliberating on Tuesday, followed by another Special Business Meeting on Wednesday. It is possible that they could render a decision in the next couple weeks. If that decision is rendered and is positive, then they would move into Cycle 2. This is contingent on how long it takes the applicant to prepare the

documentation. The applicants (school district, Cypress, Costco) appear to be upbeat about the project and have directed some of their consultants to forward and start working on plans.

From time to time he sends the Planning Commission his report he gives to the City Council on building permits in order to talk about what they have experienced and speculate a little on what they have been seeing and where they might be going. It seems like Lynnwood is coming to a major turn in the road with regard to development. Over the last two or three months, developers have been talking to staff about multiple mixed use projects along Highway 99, both in the nodes and in the areas where the Ordinance allows outside the nodes. Two active senior housing projects are being looked at in the City Center. One of them is quite large and would be a groundbreaker in terms of moving forward with City Center. Staff has also seen a lot of interest in development around the mall. Legacy, the hotel project, has been working on the earth work and foundations. He suggested that if this development trend continues, the next ten years could be very significant in Lynnwood's history. He acknowledged that things could always change, but right now it looks very good.

Regarding the vacant Planning Commission position, staff received an application from one person, Ian Cotton, who is an engineer. The Mayor asked staff to start to process the application and do the interviews, which they did. Hopefully there will be action on this, but it is ultimately up to the Mayor at this point.

Commissioner Ambalada asked about the status on having joint meetings with the City Council. Councilmember AuBuchon replied that it was discussed at the City Council Retreat a few weeks ago, and they will be discussing it further. His initial request of the administration for the Lynnwood place issue was to have a joint meeting. That did not happen, but he does not know why. He agrees it is important to involve the Planning Commission with the Council directly in the future. He will continue to lobby for that.

### **Commissioners' Comments**

Commissioner Ambalada announced that her first great grandson was born yesterday.

Commissioner Braithwaite asked if the City would be spending money on off-site costs for the Lynnwood Place project. Director Krauss stated that there are discussions about some of the improvements and how they will be staged that will come before the Council in Cycle 2. Nothing was discussed under Cycle 1.

## **Adjournment**

The meeting was adjourned at 8:26 p.m.

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Richard Wright, Chair

**CITY OF LYNNWOOD  
PLANNING COMMISSION MINUTES  
February 28, 2013 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Paul Krauss, Comm. Dev. Director
Chad Braithwaite, Second Vice Chair	Corbitt Loch, Dep. Director Comm. Dev.
Maria Ambalada	David Kleitsch, Econ. Dev. Director
Michael Wojack	Gloria Rivera, Senior Planner
<b>Commissioners Absent:</b>	
Robert Larsen, First Vice Chair	<b>Other:</b>
Doug Jones	Councilmember Van AuBuchon

**Call to Order**

The meeting was called to order by Chair Wright at 7:00 p.m.

**Approval of Minutes**

None

**Citizen Comments**

None.

**Public Hearings**

None.

**Work Session**

- Code Revisions Related to the Highway 99 Subarea Plan**  
Discussion of potential amendment of land use regulations that further implement the Highway 99 Subarea Plan.

Director Krauss explained that during the Hwy 99 Corridor Plan approval process. the City was approached by property owners and others who were asking for flexibility to develop the areas between the nodes. What was ultimately added to the Comprehensive Plan Amendment for the Highway 99 corridor was flexibility to do mixed use development between the nodes with a minimum of five acres and a Planned Unit Development (PUD). However, even though the Comprehensive Plan was amended, the code was not. In order to bring it into consistency, staff is proposing an

amendment to the Zoning Code that states how and under what terms mixed use development can occur between the nodes on Highway 99.

Senior Planner Gloria Rivera further discussed the inconsistency between the Code and the Comprehensive Plan. The ordinance that staff is proposing would change the zoning in the Zoning Code to allow multifamily housing in the Highway 99 corridor with certain conditions. She stated that staff would bring an ordinance back along with a public hearing on that matter. Another issue is that there has been quite a bit of interest in development of residential properties between the nodes. She noted there is a property of the current LA fitness located just the south of a node on 196th. The building will be vacated when LA Fitness moves to their new location. Those developers are interested in also having residential housing there, but under the current code for General Commercial they cannot do it. They only have 4.25 acres so they are short of the five-acre minimum. Because of all the interest that has been expressed in developing housing in this area, staff had considered dropping the five-acre minimum down to three acres but ultimately elected not to make this recommendation at this time.

Director Krauss commented that when the corridor plan was being considered, they had property owners telling the City that they wouldn't see this kind of mixed use development in Lynnwood in their lifetimes. Staff didn't expect it to happen sooner but perhaps not within a few years of Plan adoption. However, the City Lynnwood seems to be becoming a focal point for significant new residential and mixed use development, and Highway 99 is following suit. Senior Planner Rivera stated that staff was handed a letter by Fred Brown (also provided to the Planning Commission) where he brought up the inconsistency that the Comprehensive Plan appears to allow unlimited height, density, and maximum lot coverage for residential properties in the Highway 99 Mixed Use zone. However, when you get into the bulk requirements in the Zoning Code, there is a height limit placed on them. Staff will address this inconsistency, but would also like to move ahead with changing the zoning regulations to allow residential housing between the nodes.

Discussion:

Commissioner Braithwaite stated that the Highway 99 corridor is a large area of the City, which could potentially add a lot more multifamily residential sites to the City when they already have the node areas on Highway 99, the City Center, and the recently discussed area around the mall. He asked if there is a point at which the City just needs to say, "That's enough multifamily." He expressed concern about the traffic impacts on some of the east-west streets such as 196th Street. Director Krauss stated that one of the reasons why the City looked at encouraging

mixed use development in the nodes along Highway 99 and ultimately allowed in the Comprehensive Plan the potential for other development to happen between the nodes is because, like every other city in the region, we are obligated under the Growth Management Act to plan for growth. One of the reasons why mixed use development along the highway was encouraged was because the alternative strategy was what Snohomish County did, which was to allow higher density development in residential neighborhoods. Lynnwood was adamant they didn't want that to happen. Additionally, the City originally set a policy that 60% of the housing would be single family and 40% multifamily. During the last Comprehensive Plan update, staff showed the Council that it was statistically impossible to ever get to that ratio. As a result, the City Council changed the Comprehensive Plan to say that roughly the same land area would be set aside and protected as single family development as what exists today.

Commissioner Braithwaite asked if there is a point at which the local municipalities need to push back and say, "We're full," especially since the state does not provide any funding for infrastructure improvements or anything else to go along with the population increases they're asking the cities to absorb. Director Krauss clarified that the state does provide some money, just not enough. Lynnwood does fairly well getting regional transportation money in part because we are a Regional Growth Center and have stated a willingness to accept that population. He noted that at Snohomish County Tomorrow's Steering Committee meeting last night they were discussing buildable lands. Lynnwood is already on the books to accept another 10,000 residents by 2025, which was largely accomplished by City Center and the Highway 99 nodes. However, under the formula that the County is using, they are saying that Lynnwood should plan to take another 10,000 residents on top of the other 10,000 that we have already agreed to. The City has submitted information stating that we cannot do it. We can think of potential ways to accept a portion of that, but not the entire amount. Everett and Bothell have both said similar things. The recommendations that came forward from the Planning Committee to the Steering Committee is that they think they figured out a way countywide to accommodate the growth out to 2035 by going out to Marysville and other urban areas. The recommendation was to forward it to the elected officials by saying that it is all conditional because some of the strategies have been approved by councils and some are still under consideration.

Commissioner Braithwaite asked if the guidelines along Highway 99 state that it can be just residential or that it has to be mixed use. Senior Planner Rivera responded that it can be standalone residential or mixed use. Commissioner Braithwaite expressed concern about too much standalone residential development which would change the economic balance of the City. Senior Rivera discussed the development that they have seen and

the calls they have received regarding the nodes and other properties on Highway 99. She stated that what they haven't had developed will be offset by development on other sites. The multifamily development will still be near businesses, offices, banks, and possibly grocery stores. Even if some of the property is strictly multifamily, there will still be a retail/residential mix that will occur which will be good for the economy as well as the residential population. Additionally, the development will be right off the corridor where there is bus transportation available.

Director Krauss added that one of the projects in a node has four buildings proposed - two strictly residential buildings toward the rear, and two mixed use buildings with first floor retail up against the highway with multifamily above that. Staff can look at requiring first floor commercial, at least on the highway exposure. Commercial Braithwaite stated that it would depend on the site because it might not be practical for sites that are set back from the highway. Director Krauss concurred. He stated that one of the reasons why the initial recommendations that staff brought forward stayed out of the area between the nodes is because there was and is a desire to preserve the ability for the auto dealers to operate and expand. This is one of the reasons why there was originally a minimum lot size put on this. This was a late addition to do this at the City Council and staff is trying to figure out how to make the codes adapt to what the Council asked for.

Commissioner Wojack recalled the Planning Commission's discussion and concern about allowing smaller lot sizes in the areas between the nodes because it would actually slow down the traffic on Highway 99 due to having too many entrances. The 21.42.400 chart shows the development level for sites with residential development of less than 20 dwellings per acre and sites with residential development of more than 20 dwellings per acre. He asked if this would pertain to going down to the three-acre size also. Director Krauss replied it would be however it is written. Commissioner Wojack expressed concern about seeing a 90-foot tall building taking up 100% of the lot, except for the setbacks of 10 feet, near the existing residential neighborhoods. Ms. Rivera stated that the other provisions of 21.62 would remain applicable to residential mixed use building. This would include the treatment at the transitional property lines. Commissioner Wojack was pleased to hear that.

Chair Wright commented that essentially there are no maximum building heights except within 500 feet of single family residential. Ms. Rivera explained that if you are adjacent to a single family zone portions of the buildings have a maximum building height of 25 feet. You could go higher in other areas of the property. Chair Wright commented that there are several areas that would be unaffected by this restriction because of their lack of proximity to single family zones. Ms. Rivera agreed that the majority of the property is adjacent to commercial and multifamily, except

north of 196th. Director Krauss said they could look at establishing more sensitivity toward height. From a practical standpoint, people have been talking about a type of construction that is three floors wood over masonry podium, which would only result in buildings about 50-feet tall. To go higher than that requires a completely different style of construction. Someday the market might be able to support that, but right now it won't. Director Krauss stated that Highway 99 presents a challenge for land use and zoning because it goes diagonally through neighborhoods. He agrees that unregulated commercial intrusion lowers property values, makes an uncomfortable place to live, and causes other problems. He noted that staff can look at addressing this issue.

Commissioner Ambalada acknowledged the concerns of the other commissioners and stated those should be considered for future development, but considering the geographic size of Lynnwood, there aren't many places where there are five acres available for mixed use. For practical reasons, she thinks they should amend certain areas for commercial to three or four acres. She recommended that they should really study areas, such as in the City Center, where residential could be built to examine the ratios and measurements. However, the area at Highway 99 and 196th has been there for a while. It would be nice to have a mixed use development there for several reasons. Director Krauss concurred. He stated that staff had approached the developer five or six years ago to consider mixed use. They ultimately decided they didn't think the market was ready for it. He added that the City issued the first building permit for that center today so they will start seeing development there. One of the things on the agenda for Comp Plan amendments is the interface between the college area zone and the Highway 99 node because they should function somehow as a bigger entity.

Chair Wright asked how many parcels are between three and five acres along Highway 99. Senior Planner Rivera commented that the parcel being developed on the southwest corner of 196th and Highway 99 was originally 42 lots. The developers, over a long period of time, had the ability to merge lots into a 12-acre site. She referred to an overlay map and noted that many of the lots along Highway 99 are very small, being less than an acre. It takes quite a bit of time for a developer to start bringing together parcels into something sizeable enough to do a reasonable development on. She thinks it generally is hard for people to consolidate enough properties to get the five-acre parcels. Three-acre parcels would be a little easier for people, but even at that they will have to pull together two or three properties to get a three-acre parcel.

Commissioner Braithwaite noted that some other municipalities have development bonuses for larger lots to encourage people to do assemblages. Director Krauss said they looked at doing some of that with

the Highway 99 Plan. Because of the fact that Hwy 99 runs on a bias the City's street grid system and because it has been incrementally widened over the years, there are a lot of strange triangular lots up and down the corridor. Staff is aware that property acquisition to create large enough lots to do something interesting is something that should be encouraged. This was a goal that staff had when setting out to do the Highway 99 Plan, but it became harder to do than they anticipated. Additionally, the market really has to decide what they are willing to do. When land values get high enough that it is in people's interest to assemble, they start to do it. He noted that whenever they look at adding a bonus type structure, they have to add a lid to what is allowed outright. The last thing the City wants to do is add to developers' burden before they ever get started with a development. For all those reasons, staff did consider it, but moved away from it. He stated that they could look at this again. Commissioner Braithwaite spoke in support of any kind of economic incentive to encourage larger lots.

Commissioner Braithwaite concurred with Commissioner Wojack's comments about the smaller lots creating more traffic problems. He noted this is especially an issue in the section near the business Costco. Director Krauss concurred. He stated that city engineers have tried to cut down on then number of curb cuts over time. Also, Public Works has made it clear that the entirety of Highway 99 will eventually have traffic islands to cut down on the turning movements.

Director Krauss stated that staff would work on a draft ordinance, bring it back to the Commission, and then hold a public hearing on it.

## **2. Mixed Use Regulations for the Planned Regional Shopping Center and Planned Commercial Development Zones**

Continued discussion of potential amendment of land use regulations relating to residential land uses.

Deputy Director Loch stated that this was continued review by the Planning Commission of draft changes to the two zones near the mall. One is the Planned Regional Center (PRC) zone. The other is the Planned Commercial Development (PCD) zone. Staff has made edits as directed by the Commission at the last meeting and brought them back for another review. He solicited comments regarding this item. Ultimately, staff hopes to have a public hearing before the Planning Commission and then another hearing before the City Council.

Deputy Director Loch explained that the main emphasis of the amendments involved the location of multifamily dwellings within structures that also have office or retail in them. Presently the zoning code does not allow residences below the fourth floor. This code amendment

would relax that standard by allowing dwellings above the first floor. He stressed that the proposed amendments do not dramatically allow different land uses in the area. Another code amendment would relax the requirement that the amount of multifamily building area not exceed 50% of the total building. Staff finds this overly restrictive and recommends that it be repealed altogether. Additionally, staff is recommending that the 35% maximum lot coverage be repealed. To address concerns over potential height issues, staff has included a maximum height limit for new buildings with residences in them of 65 feet if they are within 500 feet of single-family area. There are no maximum building heights now for either of these two zones. Additionally, the proposed amendments would apply to both the PRC and the PCD zones. Regarding the potential for traffic impacts, he did some research and learned that square-foot for square-foot multifamily land use would generate about 1/3 of the traffic of office or retail which means it would not necessarily result in an increase in traffic.

Commissioner Braithwaite pointed out a typo on line 11 of page 3 of the ordinance. Deputy Director Loch stated that the entire line should be removed. Commissioner Braithwaite noted that when they eliminate the 35% lot coverage it would not change the parking requirements. He wondered if that would force them to do underground parking. Director Krauss agreed that if developers fill more of the space with structures, they would still have the parking requirements, and would have to have the parking contained within them. Commissioner Braithwaite asked if the code changes only apply to new construction or do they also apply to remodels of existing buildings. Director Krauss thought this could also apply to existing buildings, but it is such a significant change that it would probably only be practical for new construction.

Commissioner Wojack asked what recreation or open space provisions are required for the 500 units at the proposed Lynnwood Place, where there will likely be many families. He encouraged everyone to think about livability for these developments and consider where the kids are going to go to play and hang out. Director Krauss thought that there was a requirement for recreation space for multifamily elsewhere in the City that they could look at adding. He noted that Lynnwood Place is not completely designed yet. That will occur in Cycle 2. There will be open space and recreation space, but it is not known yet how much or what type. One of the things that came up in the discussions was green roofs as private open space for the residents. There is no park requirement as such for the development.

Director Krauss asked whether the Commission wanted staff to make the recommended changes and bring it back one more time before a public hearing. Chair Wright commented that he would be more comfortable with staff bringing this back prior to a hearing to allow additional review time

and also to allow the absent commissioners time to add their insight. Commissioner Ambalada strongly encouraged all of the commissioners to attend the next meeting. Director Krauss indicated that staff would fine-tune it and bring it back one more time before the public hearing. He was also hopeful they might have another planning commissioner by the next meeting. Commissioner Ambalada recommended putting what they have discussed in writing for the benefit of the other commissioners, including Mr. Brown's letter. Director Krauss indicated staff could do that.

### **Other Business**

None.

### **Council Liaison Report**

Councilmember AuBuchon reported that the Council is continuing to move the Lynnwood Place project along. He expressed appreciation for the work done by the Planning Commission. Also, as indicated earlier by Director Krauss, the Council is looking at having an additional planning commissioner by the next meeting.

### **Director's Report**

Director Krauss further discussed growth targets. He stated that there is an assumption on the part of many people who participate (staff, elected, FutureWise) that because you put a number on a piece of paper, people and jobs will follow. He stressed the importance of acknowledging that cities have the ability to "set the table" by putting plans, zoning, and infrastructure in place, but if the market isn't ready for it, it won't come. In terms of where people locate, the decisions are very complex. He finds this exercise they go through every five years a little silly, but if they don't play by the rules, they don't get the transportation money allocated through the Puget Sound Regional Council (PSRC). In order to get that money, the PSRC has to sign off on the City's comprehensive plan, which they will only do if it makes reasonable efforts to accommodate growth.

Lynnwood Place is in progress. Staff is not sure when it will come back to the Council because it is contingent on the developers preparing all the detailed plans that were not part of Cycle 1. The approval that was granted says that the developer has to obtain approval of the development agreement and the planned action by the end of the year or they have to start all over again.

### **Commissioners' Comments**

Commissioner Wojack asked how the other commissioners get their city documents. He said he uses Yahoo because he was unable to get into the city

account. Commissioner Ambalada [inaudible]. Commissioner Braithwaite said he tried to get into his city account, but was unable so he created a Gmail account specifically for his city business. Chair Wright said he tries to check his city email on a regular basis, but the interface does not work on his PC. It does, however, work on his Apple-based phone.

Commissioner Ambalada asked for an update on the annexation. Director Krauss said there is nothing new. When he met with the City Council early last year, staff recommended and the Council agreed to wait to let the economy recover. Commissioner Braithwaite asked if the incentives for annexation are all gone now. Director Krauss replied that they are not because the state didn't cut them.

### **Adjournment**

The meeting was adjourned at 8:16 p.m.

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Richard Wright, Chair

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**Lynnwood Planning Commission  
Meeting of March 28, 2013**

**Staff Report**

**Agenda Item:** B-3/B-4 Zoning Code  
Amendments

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

Community Development Department

**I. Application Name and Number**

File Name: B-3/B-4 Zoning Code Amendments

File Numbers: 2012CAM0006

Date of Hearing: March 28, 2013

Applicant: City of Lynnwood  
Community Development Department  
4114 198<sup>th</sup> St. SW  
Lynnwood, WA 98036

Staff Contact: Todd Hall, Associate Planner \_\_\_\_\_  
(425) 670-5407, thall@ci.lynnwood.wa.us

**II. Proposal**

The City (applicant) is seeking text amendments to Chapters 21.40 and 21.46 of the Lynnwood Municipal Code (LMC) that apply to the City's B-3 and B-4 zones. Staff is proposing to combine the B-3 (Neighborhood Business) and B-4 (Restricted Business) zoning districts into a single, low-intensity commercial zone designated as B-3 (Neighborhood Commercial). The proposed amendments will allow for slightly more flexibility in permitted commercial uses and allow for mixed-use housing on larger parcels (those over half acre in size).

Because the amendment proposal involves a zoning designation change of B-4 parcels in to B-3, this necessitates a change to the Official Zoning Map. This action will take place

as part of the amendment process. Note that the number of parcels affected by the amendments is very limited, as described below.

### **III. Exhibits**

- A. DRAFT Amendments to LMC Chapter 21.40
- B. DRAFT Amendments to LMC Chapter 21.46
- C. Properties Designated B-3 and B-4 on Zoning Map
- D. B-3 and B-4 Parcel Information
- E. DRAFT B3/B4 Amendments Ordinance
- F. DRAFT B3/B4 Map Amendment Ordinance
- G. Meeting minutes (September 27, 2012)

### **IV. Noticing**

A notice of the March 28, 2013 public hearing before the Planning Commission was issued March 7, 2013. The notice was published in the Herald newspaper and posted at City of Lynnwood official posting sites on or before March 7, 2013. Notices were posted along public rights-of-way at each of the affected properties on or before March 7, 2013. Notices were sent to property owners within 600 feet of the properties on or before March 7, 2013.

A notice for the Determination of Nonsignificance was issued on January 3, 2013. The notice was published in the Herald newspaper and at the City of Lynnwood official posting sites and each of the affected properties on January 3, 2013.

The draft development regulation amendments were provided to the Department of Commerce as required by RCW 36.70A.106 and WAC 365-196-630. That notice of intent was provided on December 10, 2012.

### **V. Background**

Title 21 LMC currently consists of seven “Commercial” zoning districts, four of which are “B-zones” (Business). These districts (zones) were initially created to differentiate varying levels of commercial intensity, the B-3 and B-4 districts being the more restrictive, low-intensity districts. However, these two districts are seldom used and have very limited differences between the two in terms of permitted uses. In fact, there are only 37 parcels zoned B-3, 3 parcels fully-zoned and 4 parcels partially-zoned B-4. See Exhibit C for locations of each of the B-3 and B-4 parcels.

Generally these parcels contain a variety of low-intensity or underutilized uses, with the exception of a few parcels located along 196<sup>th</sup> St. SW that contain multi-family housing units. Some of the parcels contain buildings that have either been vacant for many years, or in the case of the newer Perrinville commercial building, has never been occupied. See Exhibit D for specific parcel information.

As staff pointed out in previous discussions with the Planning Commission and City Council in September 2012, the issue of combining the two zoning districts was raised by the recent annexation of the Perrinville area, specifically the southeast corner of Olympic View Drive and 76<sup>th</sup> Ave. W. This area is zoned B-3 and mostly contains older, underutilized commercial buildings. The exception is a newer retail building immediately fronting 76<sup>th</sup> Ave. which has never been occupied. The new property owners of the Perrinville site (bank) met with staff about redevelopment options, one of which is allowing medium-density residential development within the B-3 zone. Staff believes the site is well-suited for this use, which would support existing and future commercial uses. Additionally, the site is within walking distance to Lynndale Park.

Proposed amendments for medium-density housing would allow a maximum building height of three stories or 45-feet, whichever is less. As for the other proposed amendments, staff proposes to combine the two districts into one district (Neighborhood Commercial) while also allowing more flexibility for permitted uses. For instance, rather than a conditional use permit required for some uses (i.e. nursing homes, respite care), they would be permitted outright. Uses previously not permitted in one of the zones would now be permitted, with site specific restrictions (i.e. gas stations/convenience stores not permitted adjacent to or across the street from a residential use).

Combining the B-3 and B-4 districts into one and addressing some of the idiosyncrasies would help streamline permit processing and aid in the development potential of vacant and underdeveloped properties within these zones.

## **VI. Decision Criteria and Staff Analysis**

Chapter 21.20 LMC provides the decisional criteria for amendments of the Zoning Code (Title 21 LMC). Those criteria are provided below, along with staff's evaluation of the application relative to the proceeding criterion.

### **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

Staff Analysis: The proposed amendments are consistent with the Comprehensive Plan, eliminate antiquated code, and combine two districts into one low-density Neighborhood Business district, and assist in the redevelopment potential of undeveloped and underutilized properties within commercial areas.

Amendments should be periodically evaluated to ensure consistency and how they address changing land use conditions. Comprehensive Plan Policies LU-1.3 and LU-1.6 support the proposed amendments promoting consistency and compatibility with other uses in the zone. Specifically:

LU-1.3 Land Use Plan designations shall be periodically re-evaluated to ensure consistency and coordination among the land use, capital facilities and transportation plan.

LU-1.6 Proposals for rezoning shall be evaluated utilizing the following criteria:

- a. The proposal must be consistent with and implement the Comprehensive Plan.
- b. The proposal must be consistent with and implement the purpose of the zone.
- c. The proposal must be compatible with the zones and uses of surrounding properties.
- d. There must be significant changes in the circumstances of the subject property or surrounding properties to warrant consideration of the proposed rezone.
- e. There must be infrastructure capacity to adequately serve the proposed uses of the subject property.
- f. The property must be practically and physically suited to the uses allowed in the proposed zone.
- g. The benefit to the public health, safety, and welfare is sufficient to warrant the change in zoning.
- h. The proposal must be consistent with other adopted plans, program goals, and policies of the City.

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

Staff Analysis: The amendments are in the public's interest in that they will protect existing neighborhoods from any adverse impacts through the use of existing design guidelines and development regulations. The combination of two use zones and the easing of restrictions for some specific uses will enable property owners to better achieve their development potential, and promote active and vibrant use of neighborhood commercial land. Any future project-specific impacts will be mitigated through existing zoning regulations or specific mitigation measures.

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

Staff Analysis: As noted above, the easing of some restricted uses will allow greater flexibility for property owners while conditions for some uses will protect citizens adjacent to the proposed B-3 Neighborhood Commercial district. Proposed regulations will promote both low-density commercial while allowing limited neighborhood mixed-use commercial/residential.

## **VII. Environmental Review**

On January 3, 2013, the City's SEPA Responsible Official issued a Determination of Nonsignificance (File Number 2012ERC0021). The public comment period for the Determination ended on January 18, 2013. No comments were received during the public comment period. The appeal period for the Determination ended on February 1, 2013. No appeal of this Determination was filed.

## **VIII. Public Comment**

While there have been a number of telephone and email inquires, there have been no written public comments regarding the proposed amendments.

## **IX. Recommendation**

Staff concludes that the request to amend Chapters 21.40 and 21.46, relating to the B-3 and B-4 zones, is: 1) is consistent with the Comprehensive Plan; 2) is substantially related to the public's health, safety, and welfare; and 3) supports the interests of citizens and property owners in Lynnwood.

Staff recommends that the Planning Commission conduct a public hearing to hear public testimony regarding the proposed amendments. At the conclusion of the public hearing, the Planning Commission may begin deliberation and make a recommendation to City Council to hold a public hearing to consider adoption of the B-3/B-4 Zoning Amendments as proposed by City staff.

## Chapter 21.40 USE ZONES AND ZONING MAP

Sections:

- [21.40.100](#) Use zones established.
- [21.40.200](#) Adopting map of use zone boundaries.
- [21.40.300](#) Determining boundaries generally.
- [21.40.400](#) Boundaries following street centerlines.
- [21.40.500](#) Boundaries parallel to street centerlines.
- [21.40.600](#) Boundaries following lot or tract lines.
- [21.40.700](#) Boundaries dividing tracts.
- [21.40.800](#) Vacated streets, alleys.
- [21.40.900](#) Order of restrictiveness.

**21.40.100 Use zones established.**

For the purpose of this title, the city is divided into use zones as provided hereafter:

Essential Uses	Symbols	Description
A. Single-Family Residential Zones.		
Single-Family Residences	RS-8	Low-Density Single-Family Residential
	RS-7	Medium-Density Single-Family Residential
	RS-4	High-Density Single-Family Residential
B. Multiple-Family Zones.		
Multiple-Family Residences	RML	Low-Density Multiple-Family Residential
	RMM	Medium-Density Multiple-Family Residential
	RMH	High-Density Multiple-Family Residential
C. Commercial Zones.		
Retail, Offices and Services	<del>B-4</del>	<del>Restricted Business</del>
	B-3	Neighborhood <del>Business</del> Commercial
	B-2	Limited Business
	PCD	Planned Commercial Development
	B-1	Community Business
	MU	Mixed Use/Business
	CC-W	City Center – West End
	CC-N	City Center – North End

	CC-C	City Center – Core
	CG	General Commercial
	PRC	Planned Regional Shopping Center
	CDM	College District Mixed Use
D. Industrial Zones.		
Employment Uses	BTP	Business and Technical Park(s)
	LI	Light Industrial
E. Public and Institutional Zones.		
Institutional Uses	P-1	Public and Semi-Public Uses.

(Ord. 2586 § 1, 2005; Ord. 2554 § 12, 2005; Ord. 2547 § 1, 2005; Ord. 2441 § 11, 2003; Ord. 2317 § 7, 2000; Ord. 2020 § 16, 1994; Ord. 1881 § 2, 1992; Ord. 1722 § 1, 1989; Ord. 1465 § 3, 1985; Ord. 1247 § 8, 1982; Ord. 1188 § 1, 1981; Ord. 1036 § 4, 1979; Ord. 953 § 3, 1978; Ord. 190 Art. V. § 5.1, 1964)

**21.40.200 Adopting map of use zone boundaries.**

The boundaries of such use zones as shall be established shall be shown on a map, entitled “City of Lynnwood Official Zoning Map,” on file in the office of the city clerk, which map, with all explanatory matter thereon, shall be deemed to accompany, and is by this reference incorporated herein as though fully set forth and herein made a part of this title. (Ord. 2586 § 1, 2005; Ord. 2441 § 11, 2003; Ord. 2020 § 16, 1994; Ord. 190 Art. V § 5.2, 1964)

**21.40.300 Determining boundaries generally.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid zones as shown on the zoning map, the provisions of LMC [21.40.400](#) through [21.40.800](#) shall apply. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI, 1964)

**21.40.400 Boundaries following street centerlines.**

Where zone boundaries are indicated as approximately following the centerlines of streets, alleys or highways, the actual centerline shall be construed to be the boundary. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI § 6.1, 1964)

**21.40.500 Boundaries parallel to street centerlines.**

Where zone boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI § 6.2, 1964)

**21.40.600 Boundaries following lot or tract lines.**

Where zone boundaries are indicated on such maps as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use zone. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI § 6.3, 1964)

**21.40.700 Boundaries dividing tracts.**

Where a zone boundary on such sectional maps divides a tract in unsubdivided property, the location of such use zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on such sectional area zone map. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI § 6.4, 1964)

**21.40.800 Vacated streets, alleys.**

Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley. (Ord. 2020 § 16, 1994; Ord. 190 Art. VI § 6.5, 1964)

**21.40.900 Order of restrictiveness.**

The city of Lynnwood is divided into 21 use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

Upon deletion of the Suburban Residential Zone (RS-12), the properties in the zone are to be automatically placed in the adjacent Residential Zone (RS-8).

- RS-8 Low-Density Single-Family Residential
- RS-7 Medium-Density Single-Family Residential
- RS-4 High-Density Single-Family Residential
- P-1 Public and Semi-Public Use
- RML Low-Density Multiple-Family
- RMM Medium-Density Multiple-Family
- RMH High-Density Multiple-Family

Upon deletion of the High Rise Multiple-Family Zone (RMHR), the properties in the zone are to be automatically placed in the High Density Multiple-Family Zone (RMH).

**B-4 ~~Restricted Business~~**

- B-2 Limited Business

Upon deletion of the Highway Services Zone (C-2), the properties in the zone are to be automatically placed in the adjacent Planned Commercial Development Zone (PCD).

**B-3 Neighborhood ~~Business Commercial~~**

- PCD Planned Commercial Development

- B-1 Community Business
- CDM College District Mixed Use
- MU Mixed Use/Business
- CC-W City Center – West End
- CC-N City Center – North End
- CC-C City Center – Core
- CG General Commercial
- PRC Planned Regional Shopping Center
- BTP Business and Technical Park
- LI Light Industrial

(Ord. 2586 § 1, 2005; Ord. 2554 § 13, 2005; Ord. 2547 § 2, 2005; Ord. 2441 § 11, 2003; Ord. 2317 § 8, 2000; Ord. 2020 § 16, 1994; Ord. 1881 § 3, 1992; Ord. 1465 § 3, 1985; Ord. 1247 § 9, 1982; Ord. 1188 § 2, 1981; Ord. 953 § 4, 1978; Ord. 190 Art. IX § 9.1, 1964)

## Chapter 21.46 COMMERCIAL ZONES

### Sections:

<a href="#">21.46.050</a>	Purpose.
<a href="#">21.46.100</a>	Permitted structures and uses.
<a href="#">21.46.105</a>	Project design review.
<a href="#">21.46.110</a>	Limitations on uses – General.
<a href="#">21.46.111</a>	Limitation on uses – Auto-oriented uses.
<a href="#">21.46.112</a>	Limitations on uses – Restaurants.
<a href="#">21.46.113</a>	Limitations on uses – Institutional uses.
<a href="#">21.46.114</a>	Limitations on uses – Medical uses.
<a href="#">21.46.115</a>	Limitations on uses – Office uses.
<a href="#">21.46.116</a>	Limitations on uses – Residential uses.
<a href="#">21.46.117</a>	Limitations on uses – Retail uses.
<a href="#">21.46.118</a>	Limitations on uses – Light industrial uses.
<a href="#">21.46.119</a>	Limitations on uses – Other uses.
<a href="#">21.46.120</a>	General commercial area for controlled uses.
<a href="#">21.46.130</a>	Prohibited uses.
<a href="#">21.46.200</a>	Development standards.
<a href="#">21.46.210</a>	Additional development standards.
<a href="#">21.46.212</a>	Swift Station off-street parking and landscaping.
<a href="#">21.46.220</a>	Transition or buffer strip.
<a href="#">21.46.230</a>	Other transitional requirements.
<a href="#">21.46.500</a>	<i>Repealed.</i>
<a href="#">21.46.510</a>	<i>Repealed.</i>
<a href="#">21.46.900</a>	Other regulations.
<a href="#">21.46.910</a>	<i>Repealed.</i>

### **21.46.050 Purpose.**

A. General. The purposes of the regulations set forth in this chapter are:

1. To regulate the location, height, bulk, and size of buildings constructed for business and commercial uses, thereby assuring adequate light and air in commercial zones;
2. To provide a range of use zones of varying degrees of restrictiveness in the types of businesses permitted; thereby providing for the development of shopping centers and the various other types of business and/or commercial areas;
3. To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access to commercial zones by vehicles and by pedestrians; and
4. To encourage general improvement of the appearance of commercial areas.

It is further intended that the establishment of several zones for business and commercial uses, differentiated by the types of business uses permitted and by the height and character of structures allowed, will provide additional protection for residential areas wherever they exist in close proximity to business zones, excluding in such transitional areas those uses which would be detrimental to nearby residences by reasons of traffic generation or other characteristics of the business.

B. Individual Zones. The purposes of the individual zones are as follows:

~~1. Restricted Business (B-4). The Restricted Business zone is intended for offices and services including municipal services in buildings of not more than two stories, and smaller retail uses.~~

~~The zone should provide:~~

~~a. A transition zone between residential zones and more intensive commercial zones; or~~

~~b. A zone for offices and services that are more harmonious with residential areas than typical commercial and retail uses; or~~

~~c. Small commercial and retail uses that are not necessarily located in commercial centers.~~

~~It is not intended as a means by which business uses encroach into residential areas where no business existed before, or to be used as a means of extending existing business zones along arterials except when such an extension would serve to improve the transition from business to residential.~~

~~21. Neighborhood Business-Commercial (B-3). The Neighborhood Business-Commercial zone is intended to provide for compatible retail, professional, and personal service uses, and offices and services including municipal services of not more than two stories which generally serve the everyday needs of the residents of the surrounding neighborhood. Subject to the size of lot, 3-story multi-family residential units may be permitted of not more than three stories in height. Individual zones B-3 zones should be located:~~

~~a. To provide for neighborhood commercial centers at appropriate locations along arterial streets within residential areas; or~~

~~b. To preserve existing neighborhood commercial centers which are at appropriate locations within residential areas, but which may not be located along an arterial street; or~~

~~c. As a transition zone between residential zones and more intensive commercial zones.~~

The boundaries between Neighborhood Business-Commercial zones and adjacent residential zones should be well defined and have significant buffering standards to discourage encroachment into and/or degradation of those residential zones. The size of individual zones should be scaled to the intensity of residential development in the area.

**32.** Limited Business (B-2). This zone is intended to provide areas for the location of office buildings of unrestricted height and size to accommodate executive, administrative, clerical, professional or scientific staffs of business or professional concerns, and other compatible or complementary uses, including internally oriented businesses which serve the office businesses or their personnel, and including municipal service. It is intended that this zone should be so located that it will completely occupy a large area of several city blocks, without intermingling of other small spots zoned for other uses, in order that the typically high aesthetic quality of office buildings will be consistent throughout a large area and each such building will benefit by the presence of the others. Other uses which characteristically are of similar aesthetic quality are permitted, including financial institutions. Whereas other business zones provide goods and services for households, the Limited Business zone is intended to provide employment opportunities for the community, in an organized office zone which will enhance the image of the city.

**43.** Community Business (B-1). The purpose of the Community Business zone is to create a diversified central business area, consisting of retail stores, offices, service establishments, recreation and entertainment, medical and professional services, and such other activities and uses, including municipal services, as are common to a central business district. By excluding most uses which rely on outdoor sales, display or storage, it is intended to encourage the concentration of a maximum variety of indoor stores and shops within the areas to which this classification is applied, as a contribution to the convenience of shoppers and patrons. It is recognized that the characteristics of the uses permitted in this classification produce an environment undesirable for residential purposes, and that residential uses in a commercial area may decrease the capacity of businesses to render maximum services. For these reasons, most residential uses are excluded from this classification. One exception found to be in the public interest is housing and/or long-term care for the elderly and the physically disabled who, due to functional limitations imposed by advanced age and/or physical impairment, benefit from living in close walking proximity to shopping, transit, medical clinics, and other services. Contrary to the typical central business district, which by being highly concentrated in a small area is convenient for the pedestrian shopper, but cannot provide sufficient automobile parking space, it is intended that the central business area shall have adequate off-street parking through the provision that with each new building, enough spaces are provided to meet the anticipated parking demands generated by the building, either by ground-level out-of-doors parking or by parking garages.

**54.** General Commercial (CG). The purpose of the General Commercial zone is to provide for a wide variety of commercial, retail, and other uses, including municipal services. These uses are primarily related toward auto borne clientele, rather than pedestrian clientele. These uses tend to locate along arterials and, by nature of their activity, create a high degree of turning movements which impede the flow of arterial traffic and create traffic hazards. The commercial development extending along arterials generally reflects a low aesthetic quality at locations which have maximum visual exposure to residents and visitors. Because of the adverse impact of this type

of development, it is not the intent of this section to encourage this type of development, but to provide a legitimate classification for existing strip development and to encourage the improvement of these facilities. It is further intended that certain uses which have heretofore been permitted but which are more of an industrial nature shall be allowed only by a conditional use permit thereby providing that the existing establishments shall not be nonconforming but any new establishments may be confined to appropriate locations.

**65.** Planned Commercial Development (PCD). The Planned Commercial Development zone is intended to allow and encourage the controlled development of commercial uses and services, including municipal services in areas where, because of traffic flows, adjacent uses or other land use factors, conventional commercial development and other alternative land uses are not desirable. It is intended that PCD zones may be located adjacent to existing planned regional shopping centers, major highways or industrial and business park developments where appropriate, but not adjacent to single-family residential neighborhoods as designated by the comprehensive plan. The purpose of the zone is to allow the planned commercial development of contiguous parcels under multiple ownerships with a degree of coordination and control not possible under other zoning classifications.

Property may only be reclassified to PCD after the comprehensive plan has been amended to designate the area as appropriate for the PCD zone. A design concept for the area included in each PCD zone shall be developed simultaneously with a proposal for amending the comprehensive plan to allow PCD in that zone. The design concept shall indicate major circulation and utility proposals for the zone. Consideration shall be given to internal and external vehicular and pedestrian circulation. The primary purpose of the design concept is to allow advance consideration of coordinated development of parcels in the zone. The design concept shall consist of a site plan and textual guidelines for development of the specific zone. The textual guidelines shall be developed to address specific concerns or attributes of the individual zone which may not be adequately dealt with in the zoning code. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1963 § 3, 1993; Ord. 1880 §§ 1 – 7, 1992; Ord. 1686 § 1, 1989; Ord. 1448 § 1, 1985; Ord. 1447 § 4, 1985; Ord. 1140 § 1, 1980; Ord. 522 § 3, 1969)

**21.46.100 Permitted structures and uses.**

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.

**Table 21.46.01**

<b>Automotive Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
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
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

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

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

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

\*\*\* Service stations shall not be located adjacent to or across the street from any residential zoning district.

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 <b>only</b> to seated patrons, <del>no alcoholic beverages served</del> <sup>+</sup>	AI	P	AI	P	P	P-X
<del>Restaurants providing on-premises service only, to seated patrons, with cocktail lounges</del> <sup>+</sup>	-	-	P	P	P	P-X
Restaurants, drive-in car service <sup>+</sup>	-	-	-	-	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 <sup>+</sup>	G	P	-	P	P	P-X
Churches, not using complementary parking	P	P	P	P	P	P-X
<del>Churches with complementary parking</del> <sup>+</sup>	G	G	G	P	G	G-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled <sup>+</sup>	G	GP	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	G	P	P*	P	P	P-X

Vocational Schools, excluding automotive and mechanical schools						
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	Ⓔ	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	P-X

\* excluding outdoor kennels and runs

**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

**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	Ⓔ	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	Ⓔ	P	-	P	P	P

Pet Grooming	P	P	P	P	P	P-X
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**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*	-	-P*	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	CP	-	P	P	P

**\*0.5 acre minimum lot size, subject to standards and procedures established in Section 21.43 for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum building height is 3 stories or 45-feet, whichever is less.**

**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*	-	<u>P*G</u>	-	-	C	C-X
Dairy Product Stores	G	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	G	P	-	P	P	P
Music Stores and Supplies	G	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

\* Shall not be located adjacent to or across the street from any residential zoning district.

Table 21.46.12

Light Industrial Uses+	B-4	B-3	B-2	PCD	B-1	CG
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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)	-	E	AI	P	P	P
Public Utilities Facilities*	E	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

\*Inclusive of all aspects of the business.

**Table 21.46.13**

<b>Other Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
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 <a href="#">5.30</a> 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

+See LMC [21.46.110](#) through [21.46.119](#).

Key:

P = Permitted as principal use

A = Permitted as accessory use with a principal use

C = May be permitted as a principal use upon approval of a conditional use permit

AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building

- = Not permitted

-X = Not permitted in controlled area

CA = Permitted only in controlled area. See LMC [21.46.120](#).

(Ord. 2549 § 1, 2005; Ord. 2490 § 4, 2004; Ord. 2457 § 1, 2003; Ord. 2441 § 14, 2003; Ord. 2388 § 29, 2001; Ord. 2092 § 1, 1996; Ord. 2065 § 7, 1995; Ord. 2052 § 1, 1995; Ord. 2020 § 19, 1994; Ord. 1889 § 4, 1992; Ord. 1879 § 4, 1992; Ord. 1847 § 6, 1991; Ord. 1846 §§ 2, 3, 1991; Ord. 1781 § 7, 1990; Ord. 1758 § 4, 1990; Ord. 1690 § 2, 1989; Ord. 1685 § 1, 1989; Ord. 1671 §§ 1 – 4, 1989; Ord. 1592 § 4, 1987; Ord. 1575 § 4, 1987; Ord. 1571 §§ 1, 2, 1987; Ord. 1564 §§ 1, 2, 1987; Ord. 1529 § 2, 1986; Ord. 1523 §§ 1, 2, 3, 1986; Ord. 1513 §§ 2 – 6, 1986; Ord. 1502, 1986; Ord. 1489 § 1, 1985; Ord. 1458 §§ 4, 5, 1985; Ord. 1447 § 5, 1985; Ord. 1426 § 3, 1984; Ord. 1360 § 1, 1983; Ord. 1247 § 6, 1982; Ord. 1240 § 3, 1982; Ord. 1218 § 1, 1981; Ord. 1150 § 1, 1980; Ord. 1140 § 2, 1980; Ord. 1119 § 3, 1980; Ord. 1117 § 1, 1980; Ord. 1116 §§ 5, 6, 1980; Ord. 1061 § 2, 1979; Ord. 1016 § 4, 1978; Ord. 984 § 1, 1978; Ord. 950 § 1, 1978; Ord. 927 § 1, 1977; Ord. 911 § 1, 1977; Ord. 869 § 1, 1976; Ord. 838 § 1, 1976; Ord. 728-A § 1, 1973; Ord. 624 § 1, 1971; Ord. 522, 1969)

#### **21.46.105 Project design review.**

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright by conditional use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), and receive approval pursuant to Chapter [21.25](#) LMC, unless otherwise specified in this chapter:

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

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

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

D. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 14, 2003; Ord. 2388 § 30, 2001)

#### **21.46.110 Limitations on uses – General.**

Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this section and LMC [21.46.111](#) through [21.46.119](#) shall apply:

A. General Performance Standards.

1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;

3. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets;

4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means;

5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC [21.46.100](#); provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

B. Outdoor Uses. All business uses and activities shall be located within an entirely enclosed building, except as indicated below:

1. General Regulations. Any uses and activities which are permitted to occur outdoors by LMC [21.46.100](#), or by other provisions of this title, subject to the following:

a. The use or activity shall not encroach on site-screening or landscaping as currently required by this title or other city ordinances;

b. The use or activity shall not block pedestrian traffic or fire lanes;

c. The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings, on sides adjoining public streets, except that such yards may be used for outdoor customer parking and for other uses and activities which are permitted outdoors;

d. The highest point of any item displayed within that area shall be not more than six feet in height from an even grade and at least 10 feet from the right-of-way line; and

e. Items which, in the opinion of the fire chief, present a potential fire hazard shall be located 15 feet from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet apart.

2. Incidental Outdoor Displays. For uses not included in the foregoing subsection (B)(1) of this section, incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and shall be located in areas underneath marquees, canopies, or overhanging roofs. If no marquees, canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of buildings. All limitations specified in subsection (B)(1) of this section shall apply.

3. Business Serving Customers in Automobiles. Automobile service stations, drive-in restaurants, and other businesses which primarily service customers in automobiles as an inherent trait of the business shall not be permitted to store or display merchandise outdoors, except as specified herein and in subsections (B)(1) and (B)(2) of this section.

4. Commodities Requiring Outdoor Storage. Commodities which would be damaged if required to be kept indoors, including but not limited to growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies and equipment; and public utility facilities (see LMC [21.46.118\(B\)](#)) are allowed outdoors subject to the provisions of subsection (B)(1) of this section.

5. At Properties Zoned to the Community Business Zone. The on-site parking and storage of rental automobiles and light trucks (rated at one ton capacity or less) is allowed; however, such parking and storage shall be restricted to:

a. A staging area for a maximum of five vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by LMC [21.18.800](#) for the uses on the site. The staging area shall be paved and striped to the standards of Chapter [21.18](#) LMC and shall be designated for use by rental vehicles only.

b. A storage area for a maximum of 15 vehicles. This area shall be located no closer to a public street than a point equal to the closest part of any building on the site to the street and shall be screened with landscaped area at least five feet wide containing evergreen conifer trees with a minimum height of six feet and spaced no more than 15 feet on center, backed by a six-foot fence which forms an effective barrier to sight; the remainder of the planting strip shall be planted with low evergreen plantings which will mature to a total groundcover within five years.

c. No service or sales of rental vehicles shall be allowed.

6. Cross Reference. See also LMC 2.16.100.

C. On-Site Processing. All products made incident to a permitted use which are manufactured, processed or treated on the premises shall be sold on the premises only, and at retail only. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1690 § 2, 1989; Ord. 1648 § 2, 1988; Ord. 1217 § 1, 1981; Ord. 854 § 1, 1976; Ord. 616 § 2, 1971; Ord. 522 § 3, 1969)

**21.46.111 Limitations on uses – Auto-oriented uses.**

A. Automobile Agencies. New car automobile sales and display room buildings and the repair and servicing necessary to the business are permitted as an indoor use. In the Community Business zone, used car sales are permitted accessory to the new car agency as an indoor use, or on an open lot which

does not exceed two times the area of the agency building and which is contiguous to the new car agency. The used car area shall be other than the required off-street parking area.

B. Full-Service Stations, Self-Service Stations, and Gas Stations. These uses are permitted only by means of a conditional use permit. All full-service, self-service, and gas station sites shall be developed in accordance with the following regulations:

1. Purpose. The purpose of this subsection is to promote the public health, safety, and general welfare in the city by establishing standards for the site design and operation of full-service stations, self-service stations, and gas stations, and convenience stores when combined with the aforementioned uses. The need for such standards is created by the typical close spacing of curb cuts and the frequency with which vehicles enter and leave the sites. This is an inherent trait of these uses. Conflicts with normal traffic patterns on arterial streets increase the potential for automobile accidents and injury to passengers and pedestrians, and contribute to traffic congestion. By establishing standards for such uses and their ingress and egress, it is intended that the smooth flow of traffic will be facilitated and greater safety will be provided for automobile passengers and pedestrians. It is also the purpose of this chapter to establish bulk regulations including standards for landscaping and signs, consistent with the aesthetic objectives of the city as indicated in the texts of the official plans of the city and as are appropriate to the characteristics of this industry.

2. Development Standards. In addition to any applicable development standards and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), development of full-service stations, self-service stations, and gas stations, and convenience stores when combined with any of these stations, shall comply with the following standards:

a. Minimum Street Frontage. One hundred fifty feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts is also reduced.

b. Minimum Lot Area. As provided for the applicable zone.

c. Minimum Setbacks for Buildings and Canopies. Minimum setbacks for buildings as provided for the applicable zone. However, canopies shall be set back a minimum of 20 feet from public street right-of-way.

d. Site-Screening Standards for Side Yard and Rear Yard. As provided for the applicable zone.

e. Off-Street Parking and Landscaping. Same as Chapter [21.18](#) LMC except that a 20-foot-wide landscaping strip shall be required along the street frontage. This 20-foot landscaping strip is in lieu of the five percent landscaping required in the interior of the parking area. This requirement shall supersede applicable design guidelines. However, when the service

stations described in subsection (B)(2) of this section are contained within buildings located closer to the street than fuel pump islands, canopies and parking areas, then a 15-foot-wide street frontage landscape strip shall be required.

f. Street Standards. All public rights-of-way shall be fully improved to the center of the street with paving, curb, gutter, and sidewalk to city standards.

g. Driveways. Driveways shall be designed and located according to public works department standards.

h. Separation Between Parking and Pump Islands. Where there are parking stalls backing up to pump islands, the minimum distance between pump islands and off-street parking shall be 40 feet from the end of stall to the pump island.

i. Signs. See LMC [21.16.310](#) for sign regulations.

j. Lighting Standards. All lighting shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of the site, and as to prevent, to the extent practicable, reflected light rays from shining upon other properties, and as to avoid glare onto any portion of any adjacent right-of-way or into the path of oncoming vehicles.

k. Dumpster Enclosures. All dumpster enclosures shall meet the setback requirements for the applicable zone. The enclosure shall not exceed six feet in height and shall consist of a solid fence made of wood or masonry material.

l. Building Height Limit and Maximum Lot Coverage and Interior Yard Setbacks. As provided for the applicable zone.

### 3. Operation, Supervision, and Maintenance Restrictions.

a. Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.

b. Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions of LMC [21.02.267](#), [21.02.375](#), [21.02.660](#) and [21.02.661](#), as approved by conditional use permit.

c. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of a full-service station, self-service station, and gas station, shall require a separate occupancy permit and business license. These uses would only be allowed as an accessory use if they are permitted in that zone as a separate use. The application for the occupancy permit and business license shall be

accompanied by a site plan, and any vehicles or equipment involved shall be stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The development for the accessory use shall meet all applicable city regulations.

d. All buildings, grounds, and landscaping shall be kept in a constant state of repair and maintenance. Upon failure to do so, the city shall require repair or replanting as per LMC [21.04.310](#). Landscape maintenance shall also comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#).

e. The work station shall be designed so that at least one qualified attendant shall have maximum view of the fueling areas. For the purpose of this title, a qualified attendant is one who is trained in the operation of the fuel pump emergency shut-off system.

f. When a convenience store is combined with a full-service station, self-service station or gas station, dispensing of fuel shall be subject to electronic control (within arm's reach) of a qualified attendant.

g. Amusement devices as defined by LMC [5.60.030\(A\)](#) are not permitted in conjunction with the uses allowed by this subsection.

h. All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of coolers which store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.

i. Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible from a street and the parking areas.

4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store. When a convenience store is combined with an automobile service station, self-service station and/or gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.

5. Effects of Change of Use. The addition of a convenience store to an automobile service station, self-service station or gas station would constitute a change in use and would require complete compliance with Chapter [21.12](#) LMC.

6. General Criteria for Approval. In addition to the criteria found in Chapter [21.24](#) LMC, no conditional use permit for the uses mentioned in this subsection shall be approved unless:

a. The proposal meets the Uniform Fire Code and Uniform Building Code;

- b. The proposal meets the standards of this chapter and this title; and
- c. The proposal meets all other applicable city and governmental regulations.

7. Exceptions. There shall not be any relaxation of development standards as provided for in LMC [21.24.100](#). Any exceptions to these standards shall be subject to the variance criteria as found in Chapter [2.22](#) LMC. However, the hearing examiner may consider these criteria as part of the conditional use permit process, instead of a separate variance application.

C. Park and Pool Lots. Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the hearing examiner shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the application. (Ord. 2441 § 14, 2003; Ord. 2388 § 31, 2001; Ord. 2310 § 39, 2000; Ord. 2020 § 19, 1994; Ord. 1790 § 7, 1990; Ord. 1671 §§ 6, 10, 1989; Ord. 1360 § 2, 1983; Ord. 1119 § 4, 1980)

**21.46.112 Limitations on uses – Restaurants.**

A. Restaurants. In the Limited Business (B-2) zone, it is intended to permit restaurants for the convenience of persons employed in the zone. Restaurants are permitted either as an accessory use within an office building, or as the principal use of a separate site providing it fully occupies a site equal to the minimum area specified in the development standards. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 522 § 3, 1969)

**21.46.113 Limitations on uses – Institutional uses.**

A. Child Day-Care Center.

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

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

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

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for. (Ord. 2730 § 4, 2008; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1844, 1992; Ord. 1489 § 2, 1985)

**21.46.114 Limitations on uses – Medical uses.**

A. Veterinarian Clinics. Veterinarian clinics designed for treatment and care of pet animals, such as cats and dogs, shall be operated by a registered veterinarian. The animals must be confined within a building which shall have an exterior of masonry construction (or other building materials and/or construction techniques providing equivalent soundproofing, as approved by the building official); provided, that openings may be provided for ingress and egress according to fire code regulations and for a customer entrance of other than masonry construction (or equivalent) if the front entry is isolated from the balance of the building by a full wall partition. All rooms housing animals shall have mechanical ventilation adequate to provide an exchange of 50 cubic feet of air per minute per animal housed therein. The animal runs shall be surfaced with a minimum of two inches concrete or other impervious materials. Drainage must be away from adjoining properties and should be controlled upon the property involved. There shall be no cremation or other disposal of animals on the premises or incineration of refuse. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1878 § 1, 1992)

**21.46.115 Limitations on uses – Office uses.**

A. Residential/Office Use as a Home Occupation. An office use in combination with a residence is allowable as a home occupation by means of a conditional use permit, subject to the limitations to home occupations as stated in LMC [21.02.415](#), except as follows: the number of employees who do not reside in the same building shall be limited to two.

In considering the requested permit, the adequacy of parking shall be of prime consideration. Any application shall demonstrate provision for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the community development director may suspend or terminate the permit upon 30 days' written notice. During the 30-day period, the holder of the permit may request review of the revocation by the city council. The building may be enlarged, but the office area shall not

exceed 25 percent of the total square footage of the building. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 950 § 2, 1978)

**21.46.116 Limitations on uses – Residential uses.**

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing. Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple-family housing shall apply.

C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional use permit.

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

- a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

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

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

b. Passive recreation and/or open space: 200 square feet minimum per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC [21.18.800](#). All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1988 § 1, 1994; Ord. 1923 § 2, 1992; Ord. 1917 § 2, 1992; Ord. 1888 § 2, 1992; Ord. 1883 § 2, 1992; Ord. 1472 § 2, 1985; Ord. 1447 § 6, 1985; Ord. 522 § 3, 1966; Ord. 285 § 5, 1966)

**21.46.117 Limitations on uses – Retail uses.**

A. Convenience Stores. Convenience stores located on the same lot and within the same building and operated as a single business with full-service, self-service and/or gas station are permitted only by means of a conditional use permit. Rapid customer turnover is an inherent trait of service stations and convenience stores. Convenience stores sell alcoholic beverages; full-service, self-service, and gas stations do not. The proximity of these uses with their conflicting traffic patterns and types of traffic increases the risk to pedestrian and traffic safety. Additional control over the location of convenience stores in proximity to said uses is therefore necessary. (Ord. 2020 § 19, 1994; Ord. 1671 § 9, 1989; Ord. 1592 § 2, 1987; Ord. 1564 § 3, 1987)

**21.46.118 Limitations on uses – Light industrial uses.**

A. General.

1. Scope of Conditions. Wherever these uses are permitted under conditional use permit proceedings, the hearing examiner may stipulate the type of machinery allowable, that the performance standards and landscaping requirements of the Light Industrial zone shall apply, that the use must be conducted entirely within a building which is constructed so as to contain the expected noise, and such other conditions as are necessary to assure compatibility with surrounding properties.

2. Requirements for Uses Occupying 10,000 Square Feet or Less That are Permitted as a Principal Use. Certain light industrial uses taking up 10,000 square feet or less are allowed without a conditional use permit. No such use will be allowed without a conditional use permit when:

- a. There is a person, corporation, partnership or association with an ownership interest in the business; and
- b. Such person, corporation, partnership or association or any combination thereof has an ownership interest in another business at the same business site or park which has not obtained a conditional use permit because it uses 10,000 square feet or less of floor space; and
- c. The combined space of both businesses or uses exceeds 10,000 square feet.

B. Public Utility Facilities. This use includes facilities owned by a public utility and directly used in the performance of a public service but does not include offices or warehouses of a public utility. Public utility

offices and warehouses are permitted in the same zones and on the same basis as other offices and warehouses.

C. Auto Wrecking Yards and Recycling Collection Centers. These uses may be permitted by conditional use permit. In considering such a conditional use permit application, the hearing examiner shall take into account all impacts upon the surrounding neighborhood with particular emphasis on visual, noise, water quality, and dust impacts. Due to the demonstrated tendency of wrecking yards and recycling collection centers to be visually offensive, such uses should not be located adjacent to residential zoning or to established business uses of such a low intensity or having such an aesthetic emphasis as to be adversely impacted by close proximity to a wrecking yard or recycling collection center. The hearing examiner may prescribe any conditions deemed necessary to minimize the impacts of such uses. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1513 § 7, 1986; Ord. 1458 § 6, 1985; Ord. 1360 § 2, 1983; Ord. 950 § 2, 1978; Ord. 728-A § 2, 1973; Ord. 522 § 3, 1966)

**21.46.119 Limitations on uses – Other uses.**

A. Licensed Dance Halls. All conditional and special use permit applications for licensed dance halls shall be evaluated for potential adverse impacts related, but not limited to, noise, traffic, and the adequacy of on-site parking. Applications shall also be evaluated for locational and design considerations which might foster potential nuisances or criminal activities. The minimum standards which shall be required of any such proposed use are as follows:

1. A separation of at least 300 feet between the building which the dance hall occupies and the nearest residentially zoned property, as measured in a straight line without regard to any intervening building, shall be required.
2. The parking standards for dance halls stated in Chapter [21.18](#) LMC shall apply.
3. All abutting streets shall be improved to the standards of the Lynnwood public works department.

B. Charitable or Relief Supplies Collection and Storage. Centers for the collection, temporary storage and distribution of charitable or relief supplies may be permitted upon approval of a conditional use permit. In considering such a conditional use permit application, the hearing examiner may impose restrictions on outdoor storage, truck parking, and use of machinery, and may impose such other conditions as are necessary to assure compatibility with surrounding properties.

C. Wireless Communications Facility. A conditional use permit for a wireless communications facility shall be subject to the following additional standards:

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

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

Provided, that this subsection shall not apply to utility facilities located on a property which are accessory to the property or to the transmission, distribution or collection lines and equipment necessary to provide a direct utility connection to the property or neighboring properties, or to those utility facilities located on public right-of-way. (Ord. 2441 § 14, 2003; Ord. 2065 § 8, 1995; Ord. 2020 § 19, 1994; Ord. 1963 § 2, 1993; Ord. 1758 § 5, 1990)

**21.46.120 General commercial area for controlled uses.**

Adult establishments and adult retail uses shall be permitted in the CG zone in the area described in subsection (A) of this section and subject to the locational and developmental standards contained in this section. In the event of invalidation by a court of competent jurisdiction of these provisions, adult establishments and adult retail uses shall be permitted to locate only in CG, and subject to locational and development standards of this section.

A. Location of Controlled Use Area. These regulations apply to all General Commercial zones south of a line approximately 800 feet south of 212th Street SW between 68th Avenue W and Highway 99 and south

of 212th Street SW, between 67th Avenue W and 68th Avenue W, and between 66th Avenue W and 67th Avenue W, south of a line varying between 175 and 195 feet north of 212th Street SW as more particularly set forth below:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 27 North, Range 4 East, W.M.; thence West 679.56 feet; thence North 175 feet to the true point of beginning; thence West 132.6 feet to a point eight feet East of the East line of Lot 15, Block 6, of the Plat of Seattle Heights, Division No. 3; thence North 20 feet more or less, to a point eight feet East of the Northeast corner of said Lot 15; thence West 132.5 feet, more or less, along the North line of said Lot 15 and the prolongation thereof, to the Northwest corner of said Lot 15; thence continuing West along the prolongation of said line 30 feet, more or less, to a point which is the intersection with the centerline of 67th Avenue West; thence South 195.2 feet, more or less, along said centerline to a point which is the intersection of the centerlines of 67th Avenue West and 212th St. SW; thence West along the centerline of 212th St. SW to a point which is the intersection of the centerlines of 212th St. SW and 68th Avenue West; thence South along the 68th Avenue West centerline 830 feet, more or less, to the intersection of the centerline of said right-of-way and the Easterly prolongation of a line located parallel to and 160 feet South of the North line of Lot 19, Plat of Solner's 5 Acre Tracts; thence West along said line and the prolongation thereof, to the intersection with the East line of Lot 21, Plat of Solner's 5 Acre Tracts, said point being 160 feet, more or less, South of the Northeast corner of said Lot; thence North 20 feet, more or less; thence North 89°51'00" West 130.14 feet, more or less, to the East line of the Highway 99 right-of-way.

B. Uses Permitted. Except for those uses listed in subsection (E) of this section, all uses permitted outright in the General Commercial zone are allowed in this controlled area and all adult establishments are allowed, subject to the location standards of subsection (C) of this section.

Adult retail uses are allowed in this controlled use area subject to:

1. The same location standards as set forth in subsection (C) of this section for adult establishments;
2. The same variance from separation requirements as set forth in subsection (D) of this section for adult establishments; and
3. The same development standards as set forth in subsection (F) of this section for adult establishments.

C. Location Standards. Any adult establishment use which locates in the city of Lynnwood shall, in addition to any other requirements, meet the following:

1. Separation from Locations. No adult establishment use shall be allowed to locate within 300 feet of any property zoned residential or P-1, or any property which is occupied by living quarters for homeless teenage parents.

2. Measurement of Distance. The 300-foot separation shall be measured by following a straight line, without reference to intervening structures, between the nearest point on a line defining a residentially zoned or P-1-zoned property or property which is occupied by living quarters for homeless teenage parents and the nearest point of the building or portion thereof used by an adult establishment.

D. Variance from Separation Requirements. Whenever the proponent of an adult establishment subject to the separation requirements pertaining to adult establishments set forth in this chapter feels that strict application of such requirements is not necessary to achieve an effective degree of physical separation between the adult establishment and property zoned P-1 or residential or which is occupied by living quarters for homeless teenage parents, the proponent(s) may apply to the hearing examiner for a variance from such requirements. In determining when a variance should be granted, and if so, to what extent, the hearing examiner shall consider the following, in addition to the general criteria for variance established in Chapters [2.22](#) and [21.26](#) LMC:

1. Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;
2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and
3. Any other fact or circumstance which has a significant effect upon the need for the full separation distance required by this chapter.

If after considering these criteria the hearing examiner finds that an effective separation between the proposed adult establishment and property zoned residential or P-1 or which is occupied by living quarters for homeless teenage parents can be achieved without requiring the full distance of separation provided by this chapter, the hearing examiner shall determine the degree of variance to be allowed and shall grant such variance. Otherwise, the application for variance shall be denied.

E. Prohibited Uses. The following uses are found to be incompatible with adult establishments and are prohibited in the controlled use area set forth above:

1. Pet grooming, pet shops, and veterinary clinics;
2. Churches, libraries, museums, art galleries and similar institutions;
3. Schools, including pre-schools, child day care, and nursery school;

4. Fountains and ice cream stands, restaurants and cafeterias, drive-in car service, and take-out restaurants;
5. Bakery retail stores and convenience stores;
6. Hotels/motels and motor hotels;
7. Indoor amusement enterprises centers, as defined;
8. Bicycle sale and repair;
9. Wholesale stores.

F. Development Standards. The development standards in the controlled use area are the same as general commercial, except as follows:

1. Signs. See LMC [21.16.310](#) for sign regulations.
2. Other Standards. The following standards apply to adult establishments in the controlled use area, and the following standards shall supersede the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), that may conflict:

- a. The starting of an adult establishment constitutes a change in use and is subject to the nonconforming chapter in addition to these development standards;
- b. Landscaping shall be a wall of trees created by two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site-screening fence shall be placed on the side and rear property lines;
- c. All parking areas shall be visible from the street fronting the establishment and shall not allow access to the rear of any structures;
- d. The parking areas shall be fully illuminated with street light standards. (Ord. 2441 § 14, 2003; Ord. 2388 § 32, 2001; Ord. 2310 § 40, 2000; Ord. 2020 § 19, 1994; Ord. 1988 § 2, 1994; Ord. 1903 §§ 1, 2, 3, 1992; Ord. 1890 §§ 1, 2, 3, 1992; Ord. 1847 § 2, 1991; Ord. 1846 § 4, 1991; Ord. 1844 § 11, 1991; Ord. 1811 § 1, 1991)

**21.46.130 Prohibited uses.**

The following uses shall be prohibited in all commercial zones:

- A. Heliports and helistops. (Ord. 2310 § 41, 2000)

**21.46.200 Development standards.**

The following standards shall apply to all structures and nonstructural uses in the commercial zones:

A. General Area and Dimensional Standards. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with the following standards and in conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145](#) (B)(3) (for purposes of determining the required yards along public street, the classification of streets indicated on the comprehensive plan shall apply):

Table 21.46.14  
Minimum Standards

	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Area (unless adjacent to similar zoned land)	<del>none</del>	<del>3</del> <del>ac:none</del>	1 ac.	none	none	none
Maximum Area	<del>none</del>	<del>6</del> <del>ac:none</del>	none	none	none	none
Front Yard						
Located on a principal arterial	<del>15 ft.</del>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	<del>15 ft.</del>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Side Yard-Street						
Located on a principal arterial	<del>15 ft.</del>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	<del>15 ft.</del>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Rear Yard	<del>25 ft.</del>	none*	25 ft.	none*	none*	none*
Maximum Building Height	<del>35 ft.+</del>	35 ft.+	none	none	none	none
Maximum Lot Coverage	<del>35%</del>	35%	35%	35%	35%	35%

Key:

\* Except where adjoining a residential zone; see LMC [21.46.220](#) and [21.46.230](#).

+ Except that the maximum height within 25 feet of a residential zone is 25 feet. Multi-family 3-stories or 45-feet (whichever is less) is permitted if 0.5 acre minimum lot size, subject to standards and procedures established in Section 21.43 for the Multiple Residential Medium Density Zone (RMM).

B. Exceptions.

~~1. Restricted Business Zone Uses. Uses which are permitted in the Restricted Business zone may be developed in other use zones under the dimensional standards and height limitations of the Restricted Business zone.~~

~~21. Repealed by Ord. 2295. (Ord. 2441 § 14, 2003; Ord. 2388 §§ 33, 34, 2001; Ord. 2295 §§ 9, 13, 2000; Ord. 2020 § 19, 1994; Ord. 1343 § 5, 1983; Ord. 1140 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)~~

#### **21.46.210 Additional development standards.**

A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any outdoor displays or outdoor storage which are permitted in commercial zones, and which are not affected by the standards of LMC [21.46.220](#), shall be enclosed within a site-screening fence of sufficient height to effectively screen the outdoor display or storage from view, and not less than six feet high in any case, set back five feet from the property line. The outer five feet shall be landscaped with evergreen conifer trees with a minimum height of six feet spaced a maximum of 15 feet on center and low evergreen plantings which will mature to a total groundcover within five years; provided, however, that where these requirements do not apply because the principal use of a property involves the display of merchandise for view from the streets, the display area shall be improved as a parking lot (except for paving where the nature of the merchandise makes paving impractical) with a 10-foot planting strip along the entire street frontage, as per subsection (B)(2) of this section. Display areas shall be segregated from the required customer parking so that there is always sufficient customer parking to meet the minimum parking requirements of this code.

#### **B. Parking.**

1. Capacity Requirements. For calculating the required number of parking stalls see Chapter [21.18](#) LMC.

2. Landscaping in Parking Areas.

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

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this city;
- iii. To insure the preservation of land values in commercial zones by creating and insuring an environmental quality which complements the commercial objectives of the respective land.

b. Planting at Street Frontages. Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot-wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot-wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot-wide planting area along the entire street frontage with the same above exceptions. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), and are approved by the public works department. Low evergreen plantings, or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover within two years.

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

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

d. Coverage. Five percent of the parking areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line, or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 25 square feet in area or less than three feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area; and

iii. All landscaping must be located between parking stalls, at the end of parking columns, or between parking stalls and the property lines.

e. Landscaping Adjacent to Parking Stalls. Where landscaping areas which fulfill city standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area; provided, that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

f. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter [21.06](#) LMC. (Ord. 2441 § 14, 2003; Ord. 2388 § 35, 2001; Ord. 2020 § 19, 1994; Ord. 1770 § 13, 1990; Ord. 1461 § 2, 1985; Ord. 1424 § 2, 1984; Ord. 1253 §§ 3, 4, 1982; Ord. 1241 § 3, 1982; Ord. 854 §§ 2, 3, 1976; Ord. 575 § 1, 1970; Ord. 522 § 3, 1969; Ord. 464 § 3, 1969; Ord. 407 § 2, 1968)

**21.46.212 Swift Station off-street parking and landscaping.**

In calculating and applying the parking stall and landscaping requirements of this title, the parking stalls and landscaping that are replaced by a transit station and related improvements of the Snohomish County Public Transportation Benefit Area dba Community Transit, also known as a Swift BRT station, pursuant to the development agreement between the City and Community Transit dated August 20, 2008, shall be included within the calculation and application of such requirements. The replacement of a portion of a parking stall shall be deemed to be a replacement of the entire parking stall. In any application for a building or other permit for construction of such transit station and related improvements, Community Transit shall provide photographs of the parking stalls and landscaping that will be replaced by the transit station and related improvements, or such other evidence of the parking stalls and landscaping that is acceptable to the community development director. (Ord. 2772 § 1, 2009)

**21.46.220 Transition or buffer strip.**

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

1. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent to a property zoned single-family residential.
2. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent to a property zoned multiple-family residential or public and semi-public.

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

C. Minimum Standards.

1. Planting and Fencing.

a. Where a Property Zoned to Any Commercial Zone is Adjacent to a Property Zoned Single-Family Residential. The purpose of this landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. This planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site-screening fence shall be placed at the property line.

b. Where a Property Zoned to Any Commercial Zone is Adjacent to a Property Zoned Multiple-Family Residential or Public and Semi-Public. The planting strip shall be at least 10 feet in width and shall consist of either of the following two options:

i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or

ii. A site-screening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A permanent six-foot site-screening fence shall be placed at the property line.

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

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

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

#### D. Fence Regulations.

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

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

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the community development director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

E. Exception. The community development director may reduce the required buffer width and revise the required planting and fencing if the director finds that, due to the intensity of existing or proposed landscaping, change in topography between properties, use of the properties along the abutting property line, or other characteristics of the abutting properties, a reduced buffer width will provide adequate separation between the properties.

A request for approving a reduction in a required buffer shall be made in writing and shall describe fully the reduction and the basis for the request. The fee for processing a request shall be \$200.00. The person(s) requesting the buffer reduction bear the burden of proof that the reduced buffer will provide adequate separation and screening between properties.

At least 28 calendar days prior to acting on a request for buffer reduction, notice of the request shall be mailed to the owners of all properties that abut the site of the proposed reduction. Action on a request may not be taken until this noticing period has expired.

Anyone may appeal a determination regarding an exception by the director under this subsection by filing a written statement of the reason(s) for the appeal with the community development department. Such an appeal shall be processed pursuant to Process II (LMC [1.35.200](#) et seq.). (Ord. 2451 § 3, 2003; Ord. 2441 § 14, 2003; Ord. 2388 § 36, 2001; Ord. 2020 § 6, 1994; Ord. 1881 § 4, 1992; Ord. 1790 §§ 1, 2, 3,

1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190 Art. X §§ 10.6, 10.7, 1964)

#### **21.46.230 Other transitional requirements.**

A. Commercial Property Abutting an RS-Zoned Property. Where the interior yard of a property zoned B-4 ~~3~~ abuts a property zoned to a single-family residential zone, the minimum side yard setback of the B-4 ~~3~~ zoned property shall be 10 feet and the minimum rear yard setback shall be 25 feet.

Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a single-family residential zone, the minimum side yard setback shall be 25 feet and the minimum rear yard setback shall be 50 feet.

B. Commercial Property Abutting a Multiple-Family Residential Property. Where the interior yard of a property zoned ~~B-4~~ or B-3 abuts a property zoned to a multiple-family residential zone, the minimum side yard setback of the B zoned property shall be 10 feet and the minimum rear yard setback shall be 25 feet.

Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a multiple-family residential zone the minimum side yard setback shall be 15 feet and the minimum rear yard setback shall be 25 feet. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1343 § 5, 1983; Ord. 1140 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)

#### **21.46.500 Commercial signage.**

*Repealed by Ord. 2310.* \* (Ord. 2295 §§ 8, 12, 2000; Ord. 2020 § 19, 1994; Ord. 1688 § 1, 1989; Ord. 1629, 1988; Ord. 1607 §§ 9, 16, 1987; Ord. 1590 §§ 4, 5, 1987; Ord. 1575 § 6, 1987; Ord. 1411 § 1, 1984; Ord. 1348 § 11, 1983; Ord. 1116 §§ 1 – 4, 1980; Ord. 1061 § 1, 1979; Ord. 1016 §§ 2, 3, 1978; Ord. 610 § 2, 1971)

\*Code reviser's note: Ord. 2310 repeals this section and adds Chapter [21.16](#) LMC which provides for sign regulations.

#### **21.46.510 Real estate signs.**

*Repealed by Ord. 2310.* \* (Ord. 2020 § 19, 1994; Ord. 1688 § 1, 1989; Ord. 1411 § 1, 1984; Ord. 1348 § 11, 1983; Ord. 1116 §§ 1 – 4, 1980; Ord. 1061 § 1, 1979; Ord. 1016 §§ 2, 3, 1978; Ord. 610 § 2, 1971)

\*Code reviser's note: Ord. 2310 repeals this section and adds Chapter [21.16](#) LMC which provides for sign regulations.

#### **21.46.900 Other regulations.**

A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this

section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

1. Development Standards. Refuse and recycling collection areas in all commercial zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), that may conflict:

- a. Set back a minimum of 25 feet from a public street;
- b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or
- c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 zone with one-family dwelling units if a business site is less than one acre in area.

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

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

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

B. Procedural Requirements for Proposed Rezoning to the Neighborhood ~~Business-Commercial~~ Zone. The minimum and maximum area specified in LMC [21.46.200\(A\)](#) shall apply to all future rezones to the Neighborhood ~~Business-Commercial~~ zone (B-3).

In addition, the applicants shall provide such market information as may be required by the planning commission or city council in determining whether the proposed development will promote the general welfare of the city. Businesses which are nonconforming in another zone but which would be conforming if zoned Neighborhood ~~Business-Commercial~~ may be rezoned Neighborhood ~~BusinessCommercial~~ without regard to the minimum and maximum area, upon a finding that such a rezone would be in the

public interest and/or the businesses in question would be consistent with the general intent of the Neighborhood Business-Commercial zone.

C. Requirements for Development of Properties in the Community Business and General Commercial Zones.

1. Plans. Shopping centers or other multistore retail developments in the Community Business and General Commercial zones shall be subject to the same site plan and utility plan requirements as are required in the Neighborhood Business-Commercial zone. The plan shall include a landscaping plan as per LMC [21.46.210\(B\)](#); provided, however, that an alternate arrangement to LMC [21.46.210\(B\)\(2\)\(d\)](#) may be approved by the planning commission if it finds that the alternate plan would be more effective in meeting the stated objectives of LMC [21.46.210\(B\)](#).

2. Site Utilization. Unless the site plan provides for full utilization of the lot or parcel, the utilized part shall be officially divided from the remainder under the city subdivision regulations and the subdivision shall conform to all normal subdivision requirements. As a condition of the subdivision, the city may require that all parcels of the subdivision have common access to public streets.

D. Cooperative Development of Adjacent Properties in Commercial Zones and Nonresidential Projects Developed in Zones Other Than Commercial Zones, Except the Planned Regional Center Zone. It is hereby declared to be the policy of the city to encourage in the zones referred to in this caption adjoining properties that are so situated as to be developed or redeveloped through cooperative plans for access, egress, and parking facilities to do so by a relaxation of the total parking requirements for such properties. Property owners desiring to take advantage of said policy may submit detailed plans to the city, and if such plans are approved by the appropriate city departments, the required off-street parking for each respective parcel may be reduced by twice the number of stalls that could be accommodated by the actual square footage of land provided by each respective parcel for a common driveway, provided:

1. That such reduction in parking will not reduce parking by more than 10 percent of the amount otherwise required;     

2. A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;

3. In circumstances where buildings already exist, that the plans include a reasonable effort to coordinate, redesign or refinish the exterior of the buildings in a unified manner so as to improve the visual image of the street and vicinity;

4. The plans provided for streets adjoining the properties involved to be improved to city standards, including sidewalk, curb, and gutter, or reasonably equivalent guarantee of such improvement are provided in LMC [16.04.250](#);

5. Traffic flow is improved through joint use of the same entrances;

6. That the parties owning the properties have entered into a written agreement suitable for filing with the county auditor, defining their rights, duties, reciprocal easements, and generally providing for maintenance and repair in such a manner that the planning commission is reasonably assured that the property will have an orderly, permanent management, which agreement shall notify persons dealing with the title to said lands that the right to reduced parking is conditional upon the continued existence of the common driveway; and

7. The city has received consent by all owners that additional building permits on any of the land so affected will not be issued by the city unless separate and/or additional parking is provided.

E. Surface Water Management. All building permit applications and site plans required herein shall provide adequate facilities for the management of surface water.

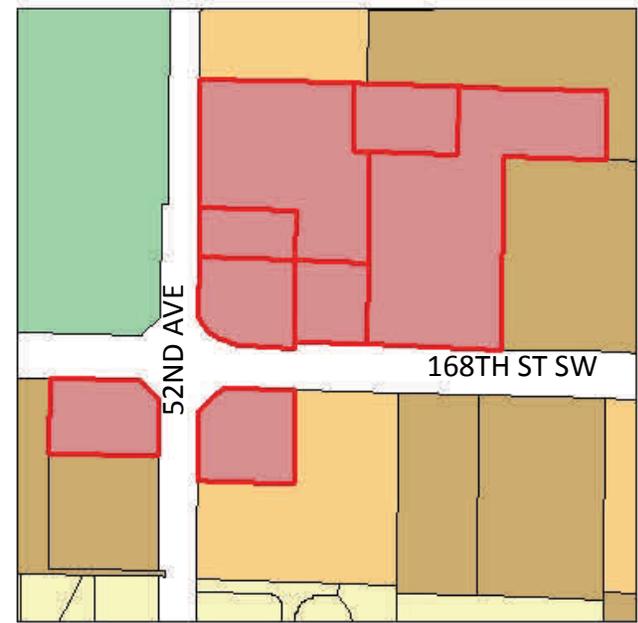
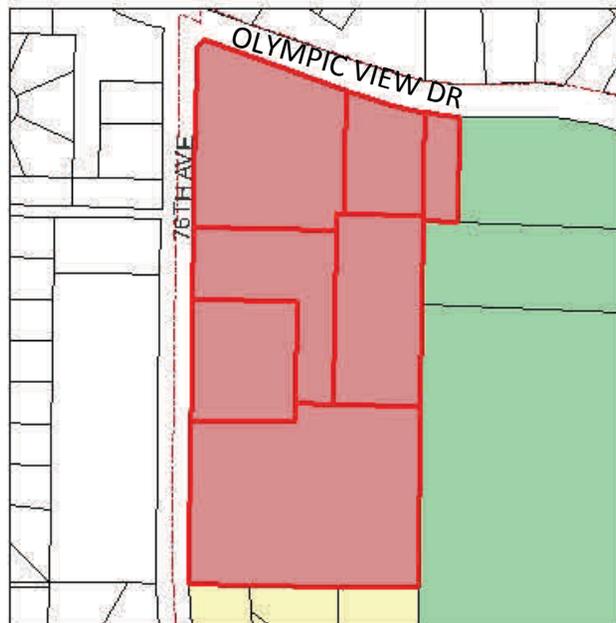
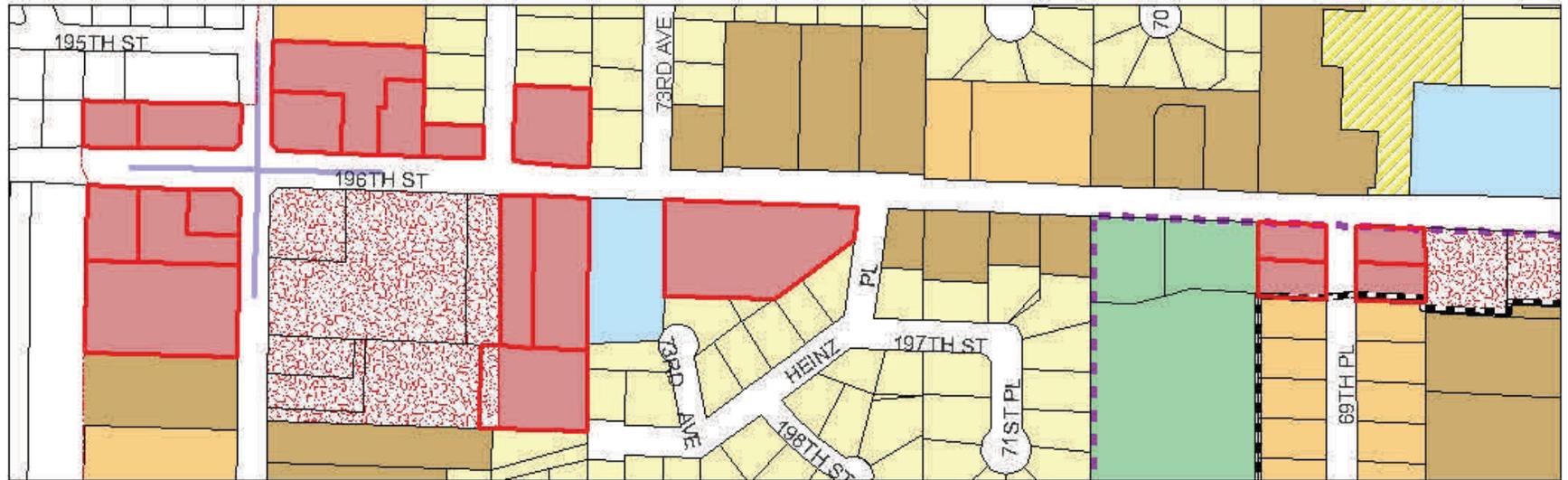
F. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of nonconforming uses. (Ord. 2441 § 14, 2003; Ord. 2388 § 37, 2001; Ord. 2020 § 19, 1994; Ord. 1911 § 2, 1992; Ord. 1790 § 4, 1990; Ord. 1686 § 2, 1989; Ord. 1359 § 4, 1983; Ord. 963 § 1, 1978; Ord. 522 § 3, 1969)

**21.46.910 East 196th PCD overlay regulations.**

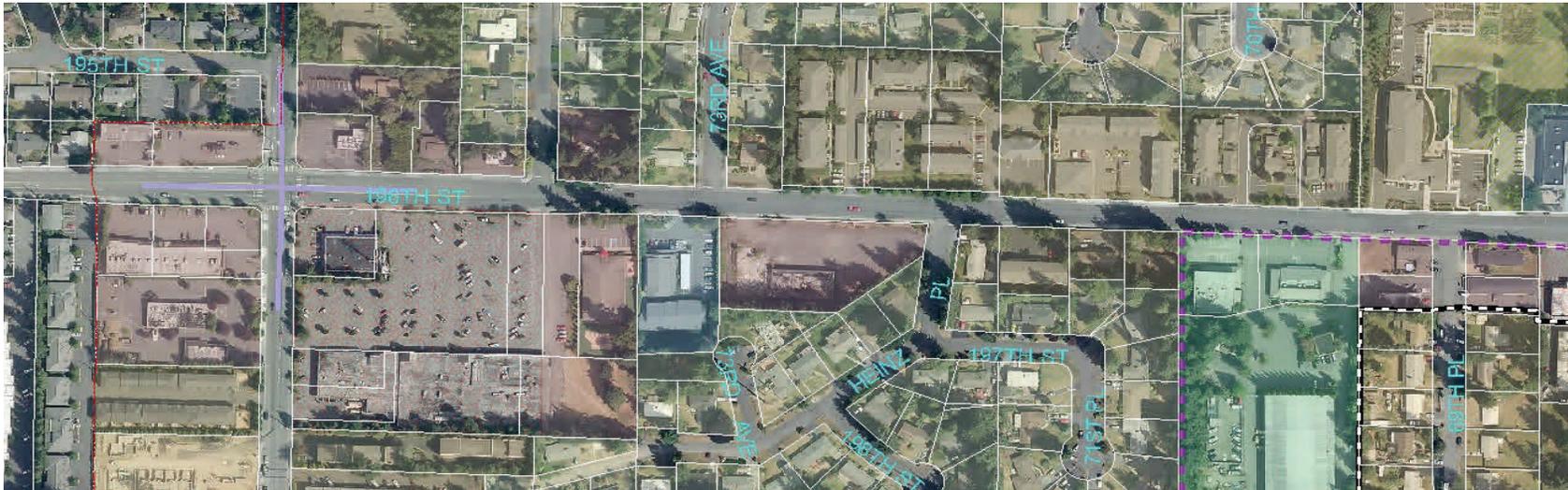
*Repealed by Ord. 2441.* (Ord. 2388 § 38, 2001; Ord. 2310 § 43, 2000; Ord. 2020 § 19, 1994; Ord. 1948 §§ 1 – 7, 1993)



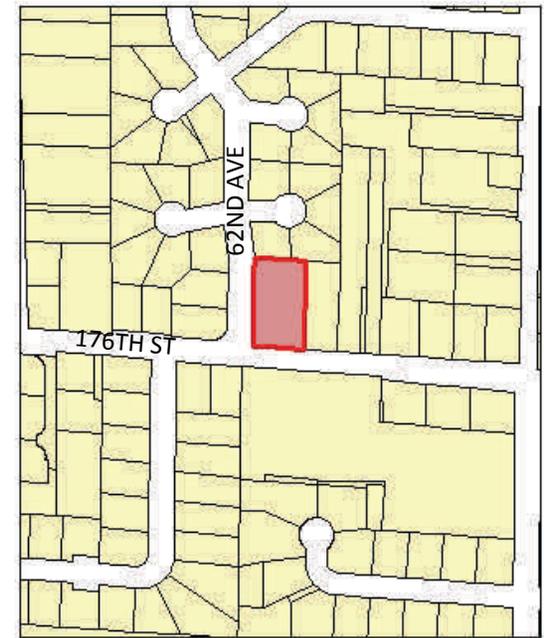
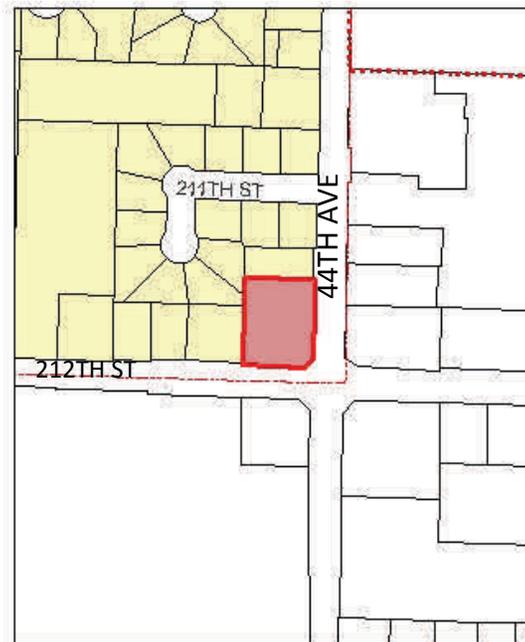
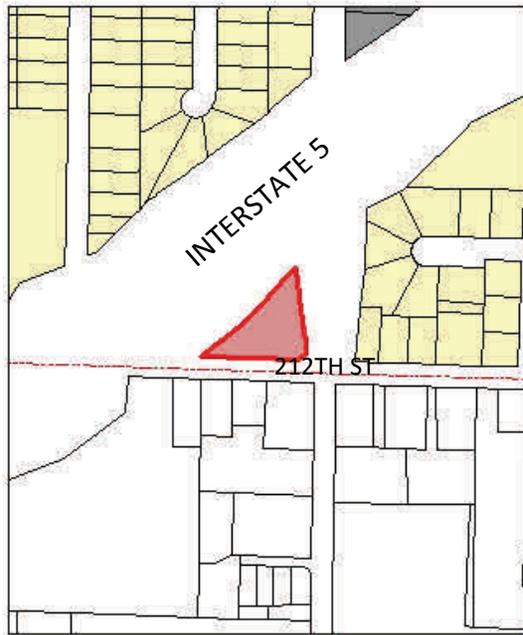
## Properties Designated B-3



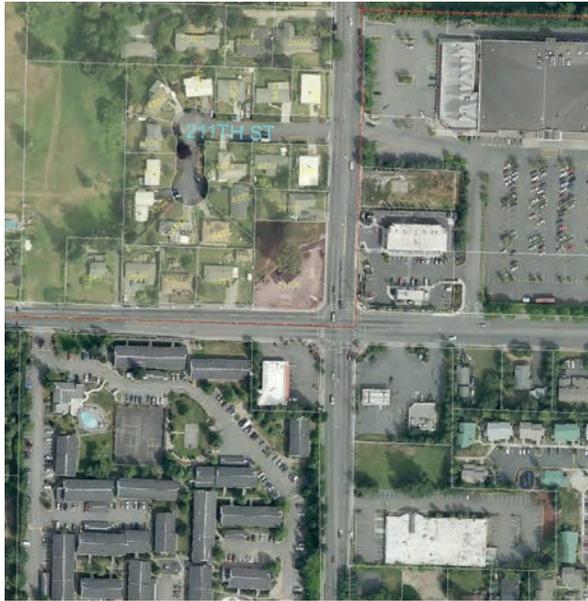
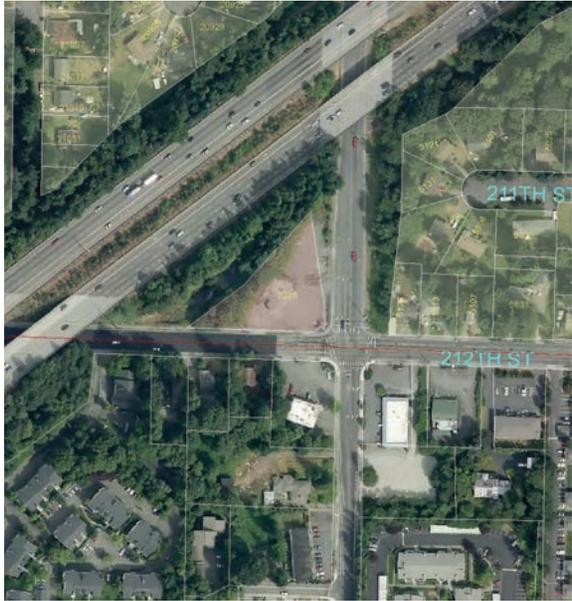
## Properties Designated B-3



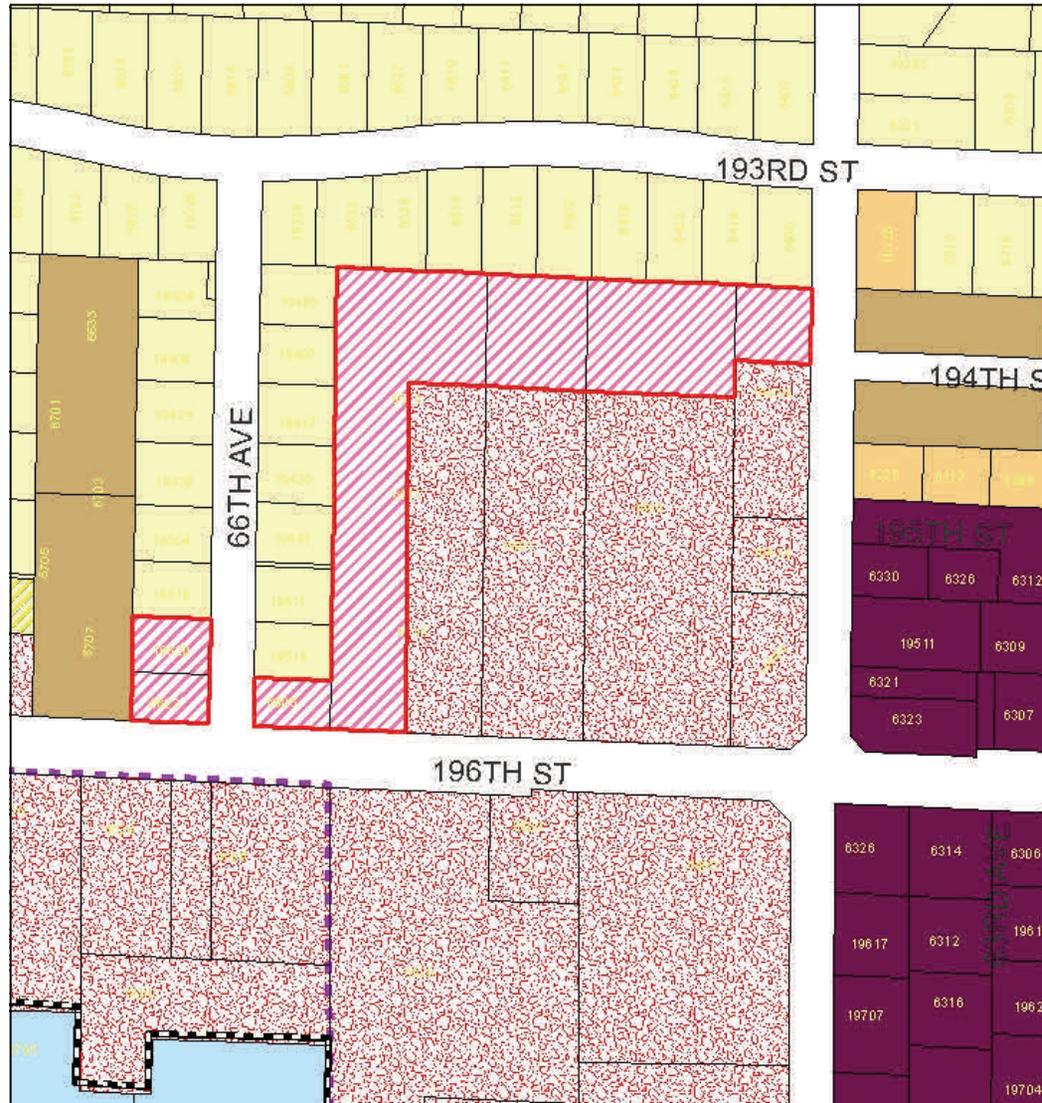
## Properties Designated B-3



### Properties Designated B-3



# Properties Designated B-4



## Properties Designated B-4



### B-3/ B-4 PARCEL INFORMATION

#### B-3 Parcels

<b>Owner (last name)</b>	<b>Address</b>	<b>Lot Area (acres)</b>	<b>Use</b>
Hossman	21126 44 <sup>th</sup> Ave W	.64	Vacant espresso stand
Baruch	5215 212 <sup>th</sup> St. SW	.66	Vacant (previous gas station)
Sookyung	6121 176 <sup>th</sup> St. SW	.58	Corner convenience store
Kim & Hae	5031 168 <sup>th</sup> St. SW	2.09	Meadowdale Plaza (commercial retail)
Kim & Hae	16717 52 <sup>nd</sup> Ave. W	.41	Duplex
Honeybee Corp.	16715 52 <sup>nd</sup> Ave. W	1.43	Convenience retail
Strickland Trust	16725 52 <sup>nd</sup> Ave. W	.28	Small-scale retail
Strickland Trust	5225 168 <sup>th</sup> St. SW	.47	Gas station
Strickland Trust	N/A	.34	Vacant
Lakeshore Investment Corp.	5124 168 <sup>th</sup> St. SW	.50	Espresso stand
I & F Investments	5208 168 <sup>th</sup> ST. SW	.46	Gas station
Payne	N/A	.27	Vacant (Perrinville)
Payne	7528 Olympic View Dr.	.66	Perrinville Village (commercial retail)
Payne	7530 Olympic View Dr.	1.86	Vacant 10-unit commercial building (Perrinville)
Payne	18603 76 <sup>th</sup> Ave. W	1.06	Commercial retail
Payne	18601 76 <sup>th</sup> Ave. W	1.24	Commercial retail
Wieltschnig Holdings LLC	18609 76 <sup>th</sup> Ave. W	.90	Commercial retail
Wieltschnig Properties LLC	18717 76 <sup>th</sup> Ave. W	3.22	Commercial retail
Moss	19220 76 <sup>th</sup> Ave. W	.42	Espresso stand
Phoenix 5 LLC	7627 196 <sup>th</sup> St. SW	.22	Commercial retail
Garden Property LLC	N/A	.37	Commercial retail
Garden Property LLC	7600 196 <sup>th</sup> St. SW	.48	Commercial retail
Garden Property LLC	N/A	.22	Commercial retail
Twichel	19624 76 <sup>th</sup> Ave. W	1.24	Professional offices
Strickland-Williford	7531 196 <sup>th</sup> St. SW	.37	Restaurant

Dogwood Estates LLC	19505 76 <sup>th</sup> Ave. W	.86	Professional offices
Ohea	7503 196 <sup>th</sup> St. SW	.29	Professional offices
Curnutt	7411 196 <sup>th</sup> St. SW	.19	Professional office
Jacobs	7331 196 <sup>th</sup> St. SW	.53	Professional office
Vaughn Village LLC	N/A	.45	Parking lot
Vaughn Village LLC	N/A	.85	Portion of QFC shopping
Kindercare Learning Centers Inc.	7330 196 <sup>th</sup> St. SW	.76	Daycare center
Whidbey Island Bank	7300 196 <sup>th</sup> St. SW	1.44	Vacant retail building
Nguyen	6924 196 <sup>th</sup> St. SW	.23	Duplex
Dangelo	19614 69 <sup>th</sup> Pl. W	.23	Multi-family housing
Kuess	6904 196 <sup>th</sup> St. SW	.22	Duplex
Ambion	19607 69 <sup>th</sup> Pl. W	.24	Multi-family housing

**B-4 Parcels**

Fair Shake Real Estate LLC	19520 66 <sup>th</sup> Ave. W	.18	Professional office
Oman	6623 196 <sup>th</sup> St. SW	.16	Professional office
Taing	6605 196 <sup>th</sup> St. SW	.16	Professional office
Soundview School	6515 196 <sup>th</sup> St. SW	2.95	Private school
Piercy	6501 196 <sup>th</sup> St. SW	~.88 (B4 portion)	Lynngate Plaza
Rotary Club of Lynnwood	6425 196 <sup>th</sup> St. SW	~.88 acres (B4 portion)	Rear parking lot of Rotary
Rotary Club of Lynnwood	N/A	.24	Portion of rear parking lot

1 CITY OF LYNNWOOD

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE AMENDING CHAPTERS 21.40 AND 21.46 OF  
6 TITLE 21, ZONING CODE OF THE CITY OF LYNNWOOD;  
7 CONSOLIDATING COMMERCIAL ZONES B-3 AND B-4 INTO A  
8 SINGLE DISTRICT, B-3 NEIGHBORHOOD COMMERCIAL.  
9

10 WHEREAS, Title 21 of the Lynnwood Municipal Code (LMC), also known as the  
11 Zoning Code, provides regulations concerning the use of land and structures and the location,  
12 size, and bulk of structures; and promotes the protection and promotion of the quality of the  
13 natural environment and the health, safety, morals and other aspects of the general welfare of the  
14 citizens of the City of Lynnwood; and

15  
16 WHEREAS, Chapter 21.40 LMC establishes the use zones and the City of Lynnwood  
17 Official Zoning Map; and

18  
19 WHEREAS, Chapter 21.46 LMC regulates the location, height, bulk, and size of  
20 buildings constructed for business and commercial uses; and provides a range of use zones of  
21 varying degrees of restrictiveness in the types of businesses permitted; and to facilitate the  
22 economical provision of utilities; and to encourage general improvement of the appearance of  
23 commercial areas; and

24  
25 WHEREAS, the Community Development Department, along with the Planning  
26 Commission of the City of Lynnwood, periodically reviews Title 21 for consistency and whether  
27 or not amendments shall be made to the Zoning Code to improve consistency and efficiency; and

28  
29 WHEREAS, the City of Lynnwood has a variety of commercial zoning districts to  
30 regulate intensity and nature of different areas of the city, three of which are designated as very  
31 low-intensity commercial zones; and

32  
33 WHEREAS, the B-3 Neighborhood Business and B-4 Restricted Business use zones  
34 specify allowable uses that are nearly identical and seldom used; and

35  
36 WHEREAS, at a previous meeting in September 2012, Staff proposed to the Planning  
37 Commission combining the B-3 and B-4 use zones into a single, low-intensity commercial zone  
38 called "B-3 Neighborhood Commercial"; and

39  
40 WHEREAS, Chapters 21.40 and 21.46 LMC and the Official Zoning Map of the City of  
41 Lynnwood would be amended to reflect the proposed changes; and

42  
43 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), a Determination of  
44 Nonsignificance (DS) was issued by the City of Lynnwood SEPA Responsible Official; and  
45

46 WHEREAS, on December 10, 2012, the proposed amendments to the Zoning Code (Title  
47 21 LMC) were submitted to the Department of Commerce in accordance with RCW 36.70A.106  
48 and WAC 365-196-630; and

49  
50 WHEREAS, on March 7, 2013, notice of the March 28, 2013 public hearing before the  
51 Planning Commission was provided in accordance with applicable law and all persons wishing  
52 to be heard were heard; and

53  
54 WHEREAS, on April 26, 2013, notice of the May 20, 2013 public hearing before the  
55 City Council was provided in accordance with applicable law and all persons wishing to be heard  
56 were heard; and

57  
58 WHEREAS, there has been appropriate public notice and opportunity to comment on the  
59 changes to the LMC and the Official Zoning Map; and

60  
61 WHEREAS, the City Council finds that the amendments contained herein are: a)  
62 consistent with the comprehensive plan; and b) substantially related to the public health, safety  
63 or welfare; and c) not contrary to the best interest of the citizens and property owners of the city  
64 of Lynnwood.

65 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO  
66 ORDAIN AS FOLLOWS:

67  
68 Section 1. Chapter 21.40 LMC is amended as provided by Exhibit A in this Ordinance.

69  
70 Section 2. Chapter 21.46 LMC is amended as provided by Exhibit B in this Ordinance.

71  
72 Section 3. Effective Date of Amendment and Adoption. This Ordinance or a summary  
73 thereof consisting of the title shall be published in the official newspaper of the City, and shall  
74 take effect and be in full force five (5) days after publication.

75  
76 Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should  
77 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
78 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
79 clause or phrase of this Ordinance.

80  
81  
82 PASSED BY THE CITY COUNCIL, this \_\_\_\_\_ day of \_\_\_\_\_, 2013

83  
84 APPROVED:

85  
86  
87 \_\_\_\_\_  
88 DON GOUGH, MAYOR

89 ATTEST/AUTHENTICATED:

90

91

92

93 \_\_\_\_\_  
LORENZO HINES, FINANCE DIRECTOR, CITY CLERK

94

95

96 APPROVED AS TO FORM:

97

98

99

100 \_\_\_\_\_  
ROSEMARY LARSON, CITY ATTORNEY

101

102

103 Publish:

104 File Name: B-3/B-4 Zoning Code Amendments

105 File Number: 2012CAM0006

106

107 On the \_\_\_\_\_ day of \_\_\_\_\_ 2013, the City Council of the City of Lynnwood passed  
108 Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title,  
109 provides as follows:

110 AN ORDINANCE AMENDING CHAPTERS 21.40 AND 21.46 OF  
111 TITLE 21, ZONING CODE AND THE OFFICIAL ZONING MAP OF  
112 THE CITY OF LYNNWOOD; CONSOLIDATING COMMERCIAL  
113 ZONES B-3 AND B-4 INTO A SINGLE DISTRICT, B-3  
114 NEIGHBORHOOD COMMERCIAL  
115  
116

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

118 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

119 \_\_\_\_\_  
120  
121  
122 LORENZO HINES, FINANCE DIRECTOR  
123 CITY CLERK  
124  
125

1 CITY OF LYNNWOOD

2 ORDINANCE NO. \_\_\_\_

3  
4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
5 LYNNWOOD, WASHINGTON, APPROVING AN  
6 AMENDMENT TO THE CITY OF LYNNWOOD OFFICIAL  
7 ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE,  
8 SEVERABILITY AND SUMMARY PUBLICATION  
9

10 WHEREAS, Chapter 21.40 LMC establishes the use zones and the City of Lynnwood  
11 Official Zoning Map; and  
12

13 WHEREAS, the purposes of the City-initiated zoning reclassification is for consolidating  
14 the B-3 and B-4 zoning districts in order to create a single, low-intensity commercial zone called  
15 “B-3 Neighborhood Commercial”; and  
16

17 WHEREAS, as provided by Chapters 1.35 and 21.22 LMC, the City has established  
18 procedures and decisional criteria for proposed reclassifications of property; and  
19

20 WHEREAS, for the purposes of this Ordinance, “Current Zoning Map” is synonymous  
21 with “Official Zoning Map” as referenced within LMC 21.04.020; and  
22

23 WHEREAS, the process for amending the Comprehensive Plan Future Land Use Map  
24 and the Current Zoning Map include multiple opportunities for meaningful public participation  
25 and input, including public hearings conducted by the Planning Commission and by City  
26 Council; and  
27

28 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), a Determination of  
29 Nonsignificance (DS) was issued by the City of Lynnwood SEPA Responsible Official; and  
30

31 WHEREAS, on December 10, 2012, the proposed amendments to the Zoning Code (Title  
32 21 LMC) were submitted to the Department of Commerce in accordance with RCW 36.70A.106  
33 and WAC 365-196-630; and  
34

35 WHEREAS, on March 7, 2013, notice of the March 28, 2013 public hearing before the  
36 Planning Commission was provided in accordance with applicable law and all persons wishing to  
37 be heard were heard; and  
38

39 WHEREAS, on April 26, 2013, notice of the May 20, 2013 public hearing before the City  
40 Council was provided in accordance with applicable law and all persons wishing to be heard  
41 were heard; and  
42

43 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD,  
44 WASHINGTON, DO ORDAIN AS FOLLOWS:

1 Section 1: Amendment of the Current Zoning Map. Pursuant to Chapter 21.22 LMC, the  
2 Current Zoning Map approved by Ordinance 2938 is hereby amended, as provided in Exhibit C,  
3 to reclassify properties currently designated as B-4 Restricted Business as B-3 Neighborhood  
4 Business, and to rename the B-3 zoning district as B-3 Neighborhood Commercial.  
5

6 Section 2: Effective Date of Amendment and Adoption. The Plan amendments adopted by this  
7 ordinance shall become effective five days following passage and publication of this ordinance.  
8

9 Section 3: Severability. If any section, subsection, sentence, clause, phrase or word of this  
10 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
11 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of  
12 any other section, subsection, sentence, clause, phrase or word of this ordinance.  
13

14 Section 4: Summary Publication. Publication of this ordinance shall be by summary publication  
15 consisting of the ordinance title.  
16

17 PASSED this \_\_\_ day of \_\_\_\_\_, 2013, and signed in authentication of its passage  
18 this \_\_\_ day of \_\_\_\_\_, 2013.

19  
20 APPROVED:

21  
22  
23 \_\_\_\_\_  
24 Don Gough, MAYOR  
25  
26

27 ATTEST/AUTHENTICATED:  
28  
29  
30 \_\_\_\_\_

31 Lorenzo Hines  
32 FINANCE DIRECTOR,  
33

34 APPROVED AS TO FORM:  
35  
36  
37 \_\_\_\_\_

38 Rosemary Larson  
39 CITY ATTORNEY  
40  
41

42 Publish:

43 File Name: B-3/B-4 Zoning Code Amendments

44 File Number: 2012CAM0006  
45

On the \_\_\_\_ day of \_\_\_\_\_, 2013, the City Council of the City of Lynnwood, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LYNNWOOD, WASHINGTON, APPROVING AN  
AMENDMENT TO THE CITY OF LYNNWOOD OFFICIAL  
ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE,  
SEVERABILITY AND SUMMARY PUBLICATION

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

---

Lorenzo Hines  
FINANCE DIRECTOR

## Work Session

### 1. Discussion – B-2, B-3, and B-4 Zones, Consolidation. Discussion of proposed textual code amendments relating to three commercial zoning classifications

Director Krauss explained that this item deals with the large number of low density commercial zoning districts that the City has. The item first came to the attention of staff, the Planning Commission, and the City Council with regard to Perrinville. The City was approached by the bank that took ownership of the commercial strip center who was trying to see about selling off the property to pay off the loan. The bank asked the City to look at the situation and potentially expand the range of uses that are allowed. Staff thought that it had merit and originally looked at the potential of combining the B-2 and B-3 districts. About that time the issue of self-storage came up, which staff and Council had recommended against in these areas. He noted that Lynnwood has three districts that have extraordinary restrictions on the range of uses they can have – B-2, B-3, and B-4. This is because these districts are in transitional areas near single-family neighborhoods. Staff is now proposing combining those three districts into one new low-intensity district which has a little bit more flexibility in the kinds of uses that would be allowed. Potentially, it might be a useful type of district elsewhere in the City.

Director Krauss reviewed sections of the current code that deal with permitted uses and staff's recommendations for the proposed new zone as contained in the Planning Commission packet. Director Krauss commented that one of the more controversial items is that staff is proposing that multi-family residential units be permitted uses in all three districts. However, there is a stipulation that to be able to build multi-family you have to have a site that is at least 0.5 acre in size and that it be restricted to medium density residential designation from the Comprehensive Plan. He then solicited input and direction from the Planning Commission.

Commissioner Ambalada commented that it appears that the zones were written to apply to certain neighborhoods due to their specific prohibitions and allowances.

Chair Wright suggested that perhaps there were three different people working on these three different designations over the years or some of these uses were already in existence in these districts when they initially proposed these designations. He agreed that there doesn't seem to be a clear rhyme or reason why things were allowed in one district and not the others. He spoke in support of consolidating these, but requested more time to review the comprehensive list of proposed uses. Director Krauss agreed and encouraged the commissioners to use the maps to drive around and look at these areas.

Commissioner Ambalada expressed concern about an area along Olympic View Drive near Lynndale Park where there are a lot of children. Director Krauss noted that the fact that Perrinville backs up to the park is one reason why staff considered things like residential in the districts.

Commissioner Braithwaite spoke in support of consolidating these zones. He noted that the list of uses among the three zones is pretty similar. He commented that the medium-density residential seems to be more of a Perrinville thing than a low-density commercial district thing.

He asked if it would be logical to separate them and deal with Perrinville as a special study area. Director Krauss stated that these are all low intensity commercial districts. Staff is proposing that the amalgamated district remain a low intensity commercial district. However, staff is also suggesting that residential, up to medium density, can fit into the low intensity commercial district and still be consistent with the goal of the district. He added that one of the reasons that staff included the 0.5 acre minimum requirement for multi-family is that it pretty much limits it to Perrinville, the corner of 168<sup>th</sup> and 56<sup>th</sup>, and 196<sup>th</sup> Street past Edmonds Community College where the old, boarded-up shopping center is.

Commissioner Braithwaite then noted that some of the uses appear to be outdated such as building supply stores and hardware stores. Director Krauss indicated that staff could take another look at these. Commissioner Braithwaite referred to liquor stores and requested that those either be conditional uses or not allowed.

Commissioner Wojack asked how many residences could be on .5 acre under the current zoning. Director Krauss thought it would be 20 to 40 on an acre.

Commissioner Larsen spoke in support of combining these zones to make more efficient use of the code, but expressed concern about the limited staffing resources in Community Development to address this right now. Director Krauss concurred that staffing is extremely limited right now, but commented that they are doing well. He gave an update on current staffing levels and staff's ability to handle this.

There was consensus to continue to work toward consolidating this. Director Krauss commented that staff would do some more work and try to get this back on an agenda in the not-too-distant future.

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**Lynnwood Planning Commission  
Meeting of March 28, 2013**

**Staff Report**

**Agenda Item:** 2013 Comprehensive Plan Amendment Cycle.

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

Community Development Department

**Summary**

The purpose of this agenda item is to solicit input from the Planning Commission regarding potential amendments to the Comprehensive Plan during 2013.

There are two separate processes/cycles for amending Lynnwood's Comprehensive Plan. The Commission will recall that last year the City transitioned from an annual amendment process to a biennial process. Now, potential amendments are considered during odd-numbered years. Potential amendments for that process are the focus of this agenda item.

The Growth Management Act (GMA) requires that local jurisdictions update their comprehensive plans every 7-10 years. For Lynnwood, this required update will culminate during 2015, and the scope of those amendments was discussed by the Planning Commission on September 27, 2012. That amendment process or the amendments proposed are not the subject of this agenda item, but information about those amendments is provided for contextual information.

City staff seeks direction from the Planning Commission regarding any amendments that should be developed and considered during 2013.

**Policy Questions**

Are there amendments needed or desired that should not be delayed until 2015?

**Action**

Provide direction to staff as desired.

**Background**

April 1, 2013 is the deadline for citizens' applications for amendments to the Comprehensive Plan. It is not known whether any applications will be submitted for this amendment cycle.

The City can initiate proposals for amendment of the Comprehensive Plan to address emerging issues or changed circumstances. For context, the amendments being studied for 2015 are listed below:

**2015 Comprehensive Plan Update – Suggested Emphasis**  
 (not in order of priority)

	<b>Topic</b>	<b>Summary</b> (example only)
1.	Consistency with the Growth Management Act (GMA)	Confirm consistency with GMA.
2.	Consistency with Multi-County Planning Policies and Regional Growth Strategy (VISION 2040)	Confirm consistency with regional planning strategies and policies.
3.	Consistency with the Snohomish Countywide Planning Policies	Includes planned capacity to accommodate growth targets, which are expressed in number of households and number of jobs.
4.	Affordable housing	Recognition of Lynnwood's considerable supply of affordable housing. Recognition of regional strategies and efforts to address affordable housing needs.
5.	Transportation	Recognize need for transportation infrastructure to support non-motorized modes of transportation. Support extension of light rail service to Lynnwood and to Alderwood Mall area. Support new bus rapid transit (BRT) service corridors.
6.	Annexation strategies	Identification of priority areas for annexation, and options for achieving annexations.
7.	Sustainability	Confirm support for local and global measures to conserve resources and off-set climate change.
8.	College District	Review the policies and regulations associated with the College District overlay. and refine/revise as desired.
9.	Visioning and Priorities of Government	Incorporate strategies to support local visioning outcomes and effective delivery of municipal services.

**Previous Planning Commission or City Council Actions**

None, other than the Commission's review of potential amendments for the 2015 Comprehensive Plan Update (occurred on September 27, 2012).

**Funding**

N/A.

**Key Features**

1. The biennial amendment process provides citizens with an opportunity to request amendments, and also an opportunity for the City to pursue amendments if desired.

2. Environmental review (SEPA) and public hearings will be completed before decisions are made on any amendments proposed.

**Adm. Recommendation**

None.

**Summary**

See above.

**Attachments**

None.

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**Lynnwood Planning Commission**  
**Meeting of March 28, 2013**

**Staff Report**

**Agenda Item:**

Highway 99 Multi-Family PUD  
(2013CAM0001)

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

Lynnwood Dept. of Community Development — Gloria Rivera, Senior Planner

**ACTION**

Discussion only, at this work session.

**BACKGROUND**

On September 12, 2011, the City Council approved the Highway 99 Subarea Plan, the Design Guidelines for the Highway 99 Mixed-Use Zones, and the development regulations for the Highway 99 Mixed Use Zone. As part of the Highway Subarea Plan, Goal 3 was adopted under the Policy and Implementation Recommendations Chapter as well as Policy 3.1 and 3.1.1 to allow residential development in the Highway 99 Corridor outside of the Mixed Use nodes on sites with a minimum lot size of five (5) acres.

Under State law, development regulations which implement the Comprehensive Plan must be consistent with the Comprehensive Plan. When the Highway 99 Corridor Plan was adopted, the idea of adding development flexibility for areas located outside the “nodes” came relatively late. As such development regulations were not prepared or approved for the commercial zones outside of the nodes that were consistent with the Comprehensive Plan, staff is now proposing to correct this omission and bring the Zoning Code into compliance with the Comprehensive Plan.

At the Planning Commission meeting of February 28, 2013, staff introduced the topic of the PUD consistency requirement between the Comprehensive Plan and Zoning Code. Concerns were expressed by the Commission regarding the degree to which multi-family housing could impact the retail focus on Highway 99 and the impact on residential neighborhoods.

**RELEVANT CITATIONS**

**“Goal 3: Support housing along and adjacent to the Highway 99 Corridor:”**

In order to implement Goal 3, Policy 3.2 and 3.2.1 were adopted:

**“3.2 Policy: Consider allowing residential development at larger parcels outside of the nodes:**

**3.2.1 Allow residential development at parcels five acres or larger through approval of a planned unit development.**

In addition to the nodes identified in Policies 1.1 and 1.2, larger parcels in other parts of the corridor may be suitable for residential or mixed-use-with-residential development. Owners of such parcels may seek to develop the property as if it was located in a node by applying for approval of a planned unit development (PUD), as provided in the Zoning Code. An application for a PUD under this policy shall be evaluated for general compliance with the regulations of the Highway 99 Mixed Use Zone, though variations from these regulations may be approved by the City Council if it finds that either site-specific circumstances necessitate a variation or that the variation is fully consistent with the purpose and intent statements of this Subarea Plan and the Highway 99 Mixed Use Zone.

**COMMENT**

This work session is to introduce the ordinance that would establish consistency between the Comprehensive Plan and the zoning in the Community Business (B-1) and General Commercial (CG) zones on site greater than five acres in area. Outside of the nodes, along Highway 99 are Community Business (B-1) and General Commercial (CG) zones. Revision of the development regulations is a three-step process, first to amend , LMC 21.46.050, the purpose statement of the commercial zones as it relates to the uses in the B-1 and CG zones, second, to amend Table 21.46.10 to allow multi-family residential development correlating proposed uses with the commercial zones, and third, amending LMC 21.46.116 Limitations on uses – Residential uses. The proposed revision to Table 21.46.10 allows multi-family in the B-1 and CG zones. The amended LMC 21.46.116 proposes revisions consistent with the five acres in the Comprehensive Plan and the Mixed Use development regulations.

Concerns were expressed in the Planning Commission meeting regarding the following:

- Location of the more intense multi-family residential development in proximity to single-family residential zones;
- The extent of displacement of commercial uses in the Highway 99 Corridor by residential uses.

Location of multi-family residential development adjacent to single-family zones

As written, the Ordinance would incorporate the use of the Zoning Code requirements of Chapter 21.62 LMC regarding setbacks from residential properties. These setbacks are as follows:

**21.62.450 Treatment at Transitional Property Lines**

Where a property zoned Highway 99 Mixed Use abuts a property zoned residential, the following regulations shall apply:

- A. Setback and building height adjacent to a multi-family residential zone:

1. For the portion of the property line adjacent to a multi-family zone, the setback shall be a minimum of 12 feet.
  2. Portions of buildings within 30 feet of an adjacent multi-family zone shall have a maximum height of 35 feet.
  3. Portions of a building more than 30 feet and less than 60 feet from a multi-family zone shall have a maximum building height of 50 feet.
- B. Setback and building height adjacent to a single-family residential zone:
1. For the portion of the property line adjacent to a single-family zone, the setback shall be a minimum of 20 feet.
  2. Portions of buildings within 30 feet of an adjacent single-family zone shall have a maximum height of 25 feet.
  4. Portions of a building more than 30 feet and less than 60 feet from a multi-family zone shall have a maximum building height of 50 feet.
- C. Landscape Treatment.
1. Planting and Fencing. The purpose of this landscaping and fencing is to provide a sight and sound barrier between zones with a high degree of incompatibility.
    - a. Where property zoned Highway 99 Mixed Use is adjacent to a property zoned Single-Family Residential, the planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum tree height at the time of planting shall be six feet. The planting strip and a permanent six-foot tall site-screening fence shall be placed at the property line. Except with the concurrence of all adjoining property owners, an alternative planting treatment may be approved by the Community Development Director.
    - b. Where property zoned Highway 99 Mixed Use is adjacent to a property zoned Multi-Family Residential, the planting strip shall be at least 10 feet in width and shall consist of two options:
      - i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height at the time of planting shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or
      - ii. A site-screening evergreen hedge that provides a sight, sound, and psychological barrier. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height at the time of planting shall be four feet.

The planting strip and a permanent six-foot tall site-screening fence shall be placed at the property line.

The transitional setbacks which are inclusive of the landscape buffer provide a protection for the single family residences from impacts from the activity in the commercial zones.

The setbacks increase, based on building height (which does not exist in other zones with the exception of the City Center zone), which also provides an additional buffer between activities.

#### Extent of Displacement of Commercial Uses Along Highway 99

The staff recommendation for the proposed Ordinance is that the minimum lot size of five (5) acres be retained which would limit the extent of development with the existing configuration of lots. Under the current configuration, the only site that meets the minimum lot size of five acres is the Costco site. Several areas within the Highway 99 Corridor could be eligible for consideration as a PUD should lot consolidation occurs. The Ordinance also proposes that buildings within 200 feet of Highway 99 be mixed use with commercial development on the first floor which will help retain the commercial character of Highway 99. Phased development may occur on large parcels but the initial overall development plan is required to illustrate the commercial activity adjacent to Highway 99.

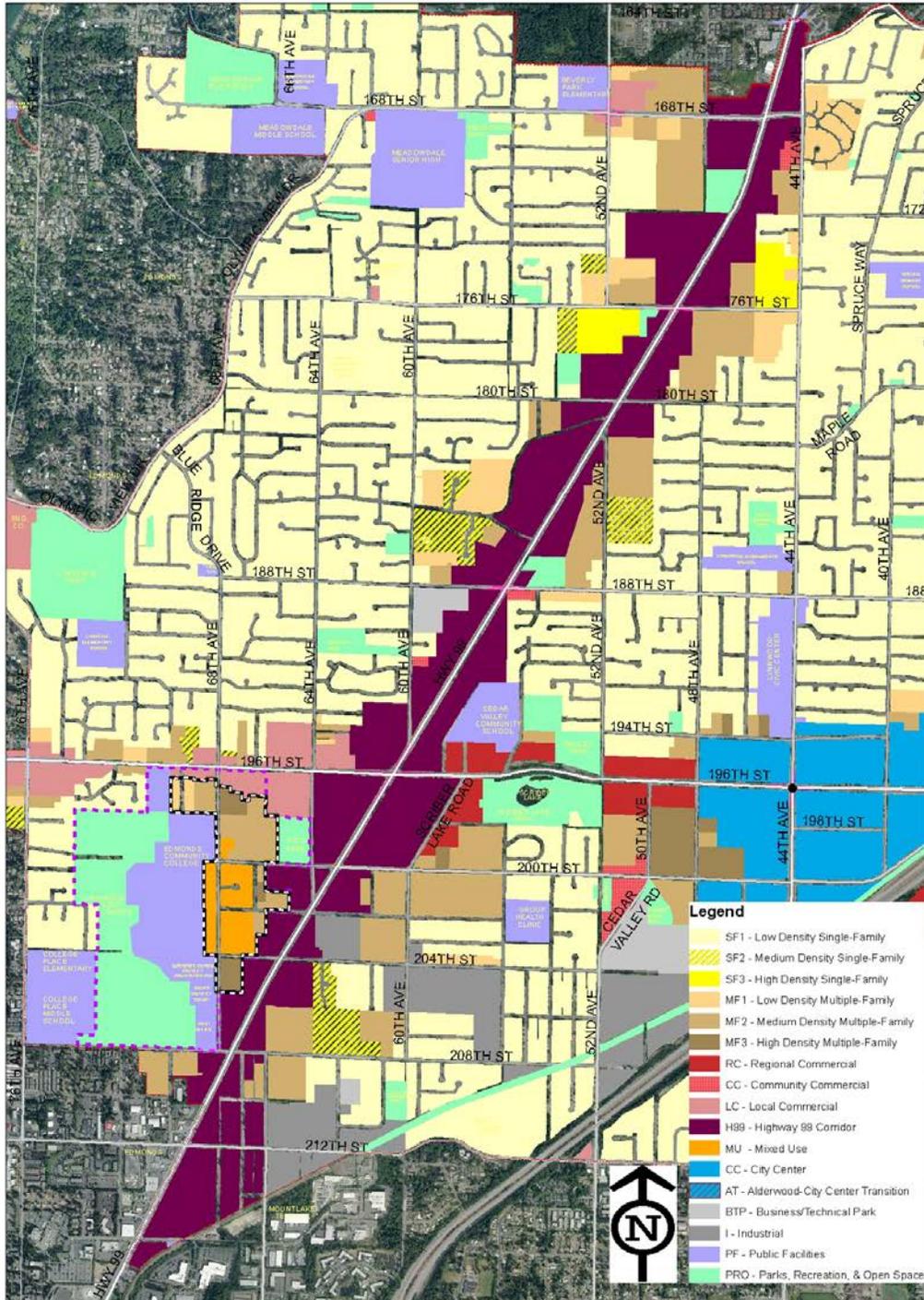
### **RECOMMENDATION**

Discuss questions and proposal.

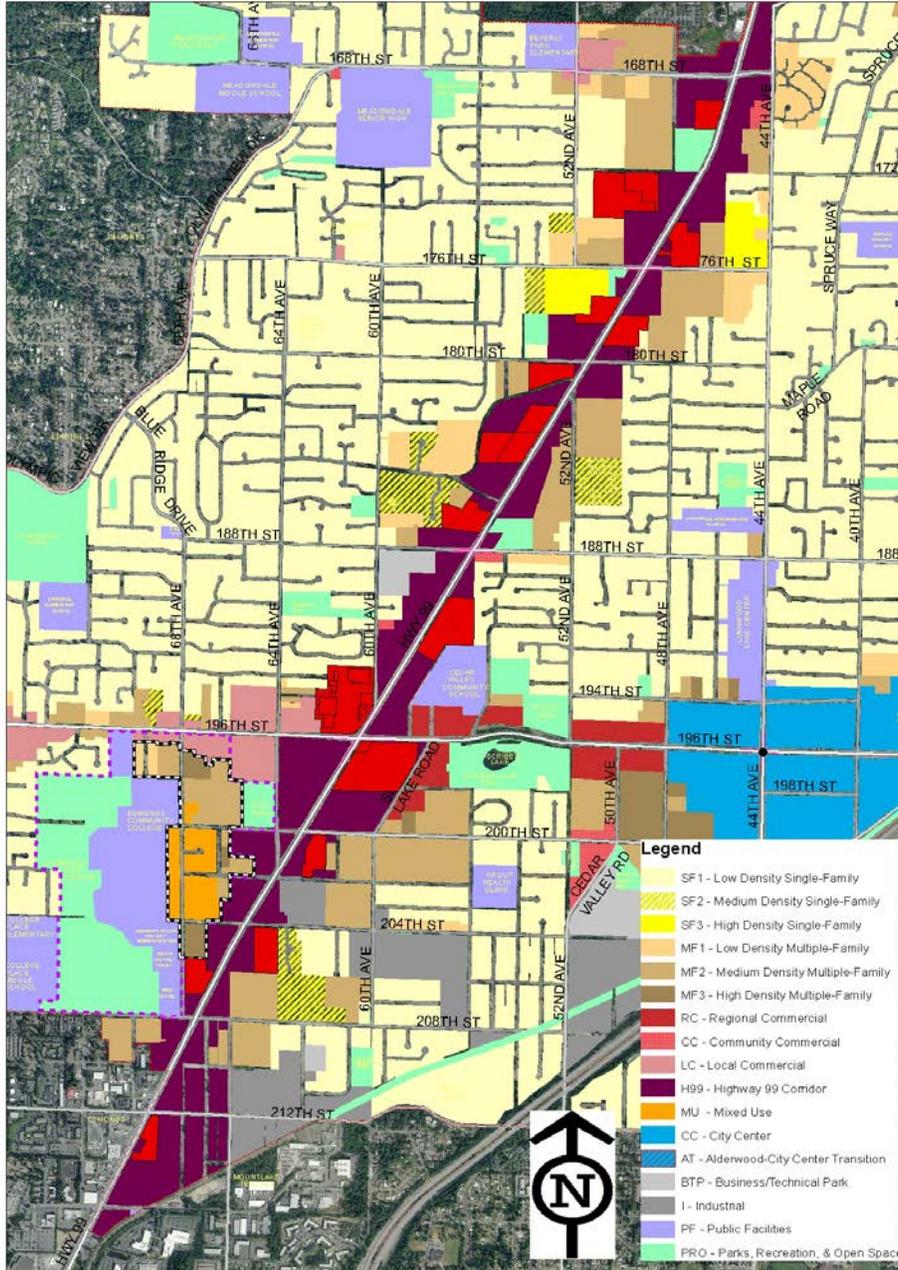
### **ATTACHMENTS**

- A. Highway 99 Corridor Map
- B. Highway 99 Corridor Map with parcels between 3 and 5 acres
- C. Proposed Ordinance

# Highway 99 Corridor



# Highway 99 Corridor Parcels Over 3 Acres



**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR MULTI-FAMILY HOUSING IN THE "HIGHWAY 99 CORRIDOR" DESIGNATED ON THE FUTURE LAND USE MAP AND IN THE COMMUNITY BUSINESS (B-1) AND GENERAL COMMERCIAL (CG) ZONES, AMENDING LMC 21.46.050, 21.46.100 AND 21.46.116, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, the Washington State Growth Management Act requires consistency between the City of Lynnwood Comprehensive Plan and the City of Lynnwood zoning code; and

WHEREAS, with adoption of Ordinance 2910 on September 12, 2011, the City Council adopted the Highway 99 Subarea Plan (the "Plan") and incorporated the Plan by reference into the City of Lynnwood Comprehensive Plan; and

WHEREAS, within the "Policy and Implementations Recommendations" Chapter of the "Plan", Goal 3 is to "support housing along and adjacent to the Highway Corridor; and

WHEREAS, Policy 3.2 under Goal 3, is to "consider allowing residential development at larger parcels outside of the nodes"; and

WHEREAS, 3.2.1 under Policy 3.2 is to "allow residential development at parcels five acres or larger through approval of a planned unit development; and

WHEREAS, to date, the City of Lynnwood Zoning Code has not been amended to allow the development of multi-family residential housing on parcels larger than five acres outside of the nodes; and

WHEREAS, development of multi-family housing outside of the nodes cannot occur until the Zoning Code is amended; and

WHEREAS, on \_\_\_\_\_, 2013, the SEPA Responsible Official issued a Determination of Non-Significance on the proposal with \_\_\_\_ public

comments having been received during the public comment period and no appeal having been filed; and,

WHEREAS, on \_\_\_\_\_, 2013, the proposed amendments to the Zoning Code (Title 21 LMC) were submitted to the Department of Commerce in accordance with RCW36.70A.106 and WAC 365-196-630; and

WHEREAS, on \_\_\_\_\_, 2013, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance and, following the public hearing, made a recommendation to the Lynnwood City Council to adopt this ordinance; and,

WHEREAS, on \_\_\_\_\_, 2013 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; now therefore

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

Section 1. Lynnwood Municipal Code section 21.46.050, is hereby amended as follows:

21.46.050 Purpose

A. General. The purpose of the regulations set forth in this chapter are:

1. To regulate the location, height, bulk, and size of buildings constructed for business and commercial uses, thereby assuring adequate light and air in commercial zones;
2. To provide a range of use zones of varying degrees of restrictiveness in the types of businesses permitted; thereby providing for the development of shopping centers and the various other types of business and/or commercial areas;
3. To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access to commercial zones by vehicles, and by pedestrians; and
4. To encourage general improvement of the appearance of commercial areas.

It is further intended that the establishment of several zones for business and commercial uses, differentiated by the types of business uses permitted and by the height and character of structures allowed, will provide additional protection for residential areas wherever they exist in close proximity to business zones, excluding in such transitional areas those uses which would be detrimental to nearby residences by reason of traffic generation or other characteristics of the business.

- B. Individual Zones. The purpose of the individual zones are as follows:
1. Restricted Business (B-4) No change proposed...
  2. Neighborhood Business (B-3) No change proposed...
  3. Limited Business (B-1) No change proposed...
  4. Community Business (B-1). The purpose of the Community Business zone is to create a diversified central business area, consisting of retail stores, offices, service establishments, recreation and entertainment, medical and professional services, and such other activities and uses, including municipal services, as are common to a central business district. By excluding most uses which rely on outdoor sales, display or storage, it is intended to encourage the concentration of a maximum variety of indoor stores and shops within the areas to which this classification is applied, as a contribution to the convenience of shoppers and patrons. It is recognized that the characteristics of the uses permitted in this classification produce an environment undesirable for residential purposes, and that the residential uses in a commercial area may decrease the capacity of business to render maximum services. For these reasons, most residential uses are excluded from this classification. One exception found to be in the public interest is housing and/or long term care for the elderly and the physically disabled who, due to functional limitations imposed by advanced age and/or physical impairment, benefit from living in close walking proximity to shopping, transit, medical clinics, and other services. Another exception is specified parcels located in the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map. As the convenience of locations and scheduling has advanced with the bus transit system along Highway 99, location of multiple-family housing on a minimum of five acre sites in the vicinity of the Highway creates the opportunity of less demand for single-family vehicle trips. This multiple-family housing especially when located adjacent to convenience retail creates a sustainable environment with goods and services located a walkable distances from compact residential development. Contrary to the typical central business district, which by being heavily concentrated in a small area is convenient for the pedestrian shopper, but cannot provide sufficient automobile parking space, it is intended that the central business area shall have adequate off-street parking through the provision that with each new building, enough spaces are provided to meet the anticipated parking demands generated by the building, either by ground-level out-of-doors parking or by parking garages.
  5. General Commercial (CG). The purpose of the General Commercial zone is to provide for a variety of commercial, retail, and other uses, including municipal services. These uses are

primarily related to auto borne clientele, rather than pedestrian clientele. These uses tend to locate along arterials and, by nature of their activity, create a high degree of turning movements which impede the flow of arterial traffic and create traffic hazards. The commercial development extending along arterials generally reflects a low aesthetic quality at locations which have a maximum visual exposure to residents and visitors. Because of the adverse impact of this type of development, it is not the intent of this section to encourage this type of development, but to provide a legitimate classification for existing strip development and to encourage the improvement of these facilities. It is further intended that certain uses which have heretofore ben permitted but which are more of an industrial nature shall be allowed only by a conditional use permit thereby providing that the existing establishments shall not be nonconforming but any new establishments may be confined to appropriate locations. With the expansion of the bus system serving Highway 99, the location of multiple-family residential housing in the vicinity of highway allows the opportunity to create a more sustainable environment. Multiple- family housing on a minimum of five acres sites on specified parcels within the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map, allows compact multiple family residential development a walkable distance from convenience retail with goods and services and reduces single-vehicle trips due to the availability of transit.

Section 2. Lynnwood Municipal Code section 21.46.400, Table 21.46.10, is hereby amended as follows:

<b>Residential Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Adult Family Homes	P	P	P	P	P	P
All uses permitted in single family zones	-	-	-	P	-	-
Multiple Family Housing Units +	-	-	C	-	-	-
<u>Multiple Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map</u>					<u>P</u>	<u>P</u>
Caretaker or Watchman Quarters	C	C	C	-	C	C
Living Quarters for Homeless Mothers +	P	P	P	P	P	P
Motels or Major Hotels	-	-	P	P	P	P-X
Respite Care	C	C	-	P	P	P
<b>+ See LMC 21.46.110 through 21.46.119</b>						

Section 2. Lynnwood Municipal Code section 21.46.116 is hereby amended as follows:

21.46.116 Limitations on uses – Residential uses.

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing. Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

C. Multiple –Family Housing – Highway 99 Corridor in the Community Business (B-1) and General Commercial (CG) zones. Multiple-Family Housing is permitted in the B-1 and CG zones on specified parcels in the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map. Multiple-family residential development may be combined with mixed use development subject to the following bulk requirements:

<u>Table 12.46.13(a)</u> <u>Development Level</u>		
	<u>Sites with residential development of less than 20 dwelling units per acre</u>	<u>Sites with residential development of 20 dwelling units or more per acre</u>
<u>Development Standard</u>		
<u>Minimum Lot Area</u>	<u>5 acres</u>	<u>5 acres</u>
<u>Minimum Setbacks</u>		
<u>Public Street</u>	<u>None</u>	<u>None</u>
<u>Interior Property Lines</u>	<u>None</u>	<u>None</u>
<u>Ground Floor Residential Units</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Minimum Sidewalk Width Along Public Streets</u>	<u>12 ft.</u>	<u>12 ft.</u>
<u>Maximum Lot Coverage</u>	<u>35%</u>	<u>None</u>
<u>Maximum Building Height</u>	<u>50 ft.</u>	<u>90 ft., not to exceed six stories</u>
<u>Minimum dwelling units per acre</u>	<u>N/A</u>	<u>20 DU/A</u>
<u>Maximum Floor Area Ratio</u>	<u>1.0</u>	<u>3.0</u>

Buildings within 200 feet of Highway 99 shall be mixed use development with commercial development on the first floor. Phased development may occur on large parcels but the initial development plan is required to illustrate the commercial activity adjacent to Highway 99.

Multiple-family development shall comply with the remainder of the development regulations established in Chapter 21.62 LMC Highway 99 Mixed Use Zones unless otherwise indicated in Chapter 21.62 LMC. Stand-alone multiple-family development or mixed use development shall also comply with the Design Guidelines for the Highway 99 Mixed Use Zones.

Processing of a multiple-family development, including associated mixed use will be subject to the provisions set forth in Chapter 21.30 LMC Planned Unit Development.

C. D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional permit.

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner and city council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for the protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:
  - a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
  - b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations, and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
  - c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
  - d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

- e. Restriction to such intended use except by revision through a subsequent conditional use permit;
- 2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:
  - a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
  - b. Passive recreation and/or open space: 200 square feet per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided that the space is utilized exclusively for passive recreation and/or open space (i.e. arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

~~D.~~ E. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "Living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

- 1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any time shall not exceed 2:1, including parents, children, and adult supervisor(s).
- 2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarter shall be treated as n R occupancy for fire and building codes,
- 3. Expiration.
  - a. Notwithstanding below, herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarter for teenage parents for than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Lorenzo Hines  
Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson

**Lynnwood Planning Commission**  
**Meeting of March 28, 2013**

**Staff Report**

**Agenda Item:**

Regulation of residential uses and maximum lot coverage in Planned Regional Shopping Center and Planned Commercial Development zones.

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

Community Development Department

**Summary**

The purpose of this agenda item is to allow continued discussion of potential code amendments relating to residential uses in both the Planned Regional Shopping Center (PRC) zone and the Planned Commercial Development (PCD) zone. This topic was discussed by the Commission on February 28, 2013, February 14, 2013 and May 24, 2012. The draft ordinance has been revised pursuant to direction provided by the Commission during the February 28, 2013 meeting.

On February 28, 2013, the Commission directed staff to incorporate regulations that would ensure mixed-use development within these two zones include onsite recreation area and/or open space for residents (meeting minutes elsewhere in packet). The Commission is asked to provide input regarding the amendments proposed for onsite recreation area.

While the existing PRC and PDC regulations already allow multifamily dwellings within a mixed-use project, those regulations make mixed use financially infeasible. The existing prohibition of dwellings on the second and third floors of buildings, and the requirement that residences not occupy more than 50 percent of the total building area, causes a considerable amount of building floor area to be relegated to professional office and professional service uses—for which there is little or no market demand. For a six-story building, this would result in 1/3 of the total building area (two out of six floors) being economically unviable.

The proposed amendments to development regulations for the PRC and PCD zones can be summarized as follows:

- Repeals prohibition of multifamily dwellings on the second and third building levels.

- Repeals the 35 percent maximum lot coverage provision for the PRC and PCD zone.
- Adds requirements for onsite recreation area/open space for mixed use in commercial zones regulated by chapter 21.46 LMC<sup>1</sup>.

If the Commission determines that the draft amendments as written are appropriate, staff will schedule a public hearing for the Planning Commission. Alternatively, staff can revise the draft amendments for the Commission's review at a future meeting.

### **Policy Questions**

- Are the code amendments presented by staff adequate to accomplish Council's direction regarding increased residential capacity in the vicinity of Alderwood Mall?
- Should the proposed requirements for onsite recreation area apply to mixed use in the City's commercial zones?

### **Action**

Provide direction to staff to either: a) schedule a public hearing for the draft legislation; or b) prepare additional edits for the Commission's review at a future meeting.

### **Background**

Onsite Recreation Area: In response to the Commission's instruction, staff has developed draft legislation regarding onsite recreation area for the residents of mixed-use development. Provisions for onsite recreation area are used in many communities, and the City presently has similar requirements that apply to mixed use in the HMU and the City Center zones, and multifamily development in the multifamily residential zones.

There are many different approaches to regulating recreation area (see attachment comparing multiple jurisdictions). Within Lynnwood, parcels tend to be relatively small, and adopted land use policies encourage fairly intensive levels of infill development. Accordingly, the draft regulations prepared by staff give project designers flexibility in how onsite recreation area is provided.

The draft requirements can be summarized as follows:

1. Cumulatively, a minimum of 40 square feet of recreation area per dwelling would be required.

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<sup>1</sup> B-1, B-2, B-3, B-4, C-G and PCD zones. Separate regulations apply to the H-99 and City Center zones.

2. Developments must include at least two of the following:
  - a. Individual decks, balconies, patios (not less than 6 feet by 6 feet).
  - b. Shared outdoor recreation area (not less than 15 feet by 15 feet).  
 May be located on the building's roof.
  - c. Shared indoor recreation area (not less than 12 feet by 12 feet).

While the minimum dimensions of the shared recreation areas are fairly lenient, it should be noted that for larger development projects, the smallest recreation areas allowed by Code would not achieve the cumulative requirement of 40 square feet per dwelling. For example:

Example 1: Mixed-Use Development with 250 multifamily dwellings

	Minimum Requirement/ Dimensions	Total Recreation Area by Type	Minimum Cumulative Recreation Area Required
Total recreation area required	250 x 40 sq. ft.		10,000 sq. ft.
Individual balconies	250 x 6' x 6'	9,000 sq. ft.	
Outdoor recreation area	1 x 15' x 15'	225 sq. ft.	
Indoor recreation area	1 x 12' x 12'	144 sq. ft.	

Conclusion: For a larger development, the minimum dimensions of any two of the three types of recreation area do not achieve the overall requirement of 40 square feet of recreation area per dwelling. The minimum dimensions only ensure the recreation spaces are of adequate size and proportion to provide functional recreation area.

Example 2: Mixed Use Development with 50 multifamily dwellings

	Minimum Requirement/ Dimensions	Total Recreation Area by Type	Minimum Cumulative Recreation Area Required
Total recreation area required	50 x 40 sq. ft.		2,000 sq. ft.
Individual balconies	50 x 6' x 6'	1,800 sq. ft.	
Outdoor recreation area	1 x 15' x 15'	225 sq. ft.	
Indoor recreation area	1 x 12' x 12'	144 sq. ft.	

Conclusion: For a smaller development, the minimum dimensions of two of the three types of recreation area could potentially achieve the overall requirement of 40 square feet of recreation area per dwelling. The minimum dimensions ensure the recreation spaces are of adequate size and proportion to provide functional recreation area.

*The following information is repeated from the staff report to the Planning Commission for the February 28, 2013 meeting.*

Population Growth Targets: The City of Lynnwood has adopted policies to preserve and protect existing single family residential areas. The City is also required by the State Growth Management Act (GMA) to accommodate a portion of the region's future population and employment growth. Lynnwood has already undertaken significant steps to accommodate projected growth including the City Center Plan and Highway 99 Corridor Plan. However, consistent with State law, growth targets are now being extended out to 2035 and all cities and counties in the region are required to accept their "fair share".

As a "built-out" community, there are relatively few areas where increased population can be realized. The City Council has provided direction to staff to identify ways to accommodate increased population in the vicinity of Alderwood Mall.

Urban Form: Somewhat irrespective of the 2035 population growth target issue, many communities with regional retail centers are taking steps to incorporate new housing in areas that were singularly retail in nature. This approach is intended to accomplish goals such as: a) reduce society's dependence upon the automobile by reducing the distance between homes, shopping, and employment; b) establish land use density/intensity that can support transit service; c) promote healthy lifestyles by facilitating walking and bicycling; and d) reducing infrastructure costs (on a per-capita basis) by minimizing the lineal distance of roads and utilities.

This sort of "maturation" of malls and commercial centers is being experienced throughout the country and our own region. One need only look to the Northgate Mall area for an example. The vital components are the conversion of existing large parking fields into structured parking thereby creating new building capacity plus replacing what may be single-story or low-rise structures with multistory building designs. In addition to the factors mentioned above, supporting mixed use development in these areas is a reasonable strategy as:

- Malls and surroundings have already had major investments in transportation infrastructure. In the case of Alderwood, future projects include the Lynnwood Place loop road that will improve flow through existing traffic bottlenecks, the Poplar Way bridge over I-5 linked to 33<sup>rd</sup> Ave. the will create a major new link to I-5 greatly improving access into the area and pulling traffic away from single family neighborhoods to the west, major transit service that is already provided including the new CT route from Edmonds, along 196<sup>th</sup> and terminating at Alderwood, and if the voters approve ST3, a light rail station that will serve the area.
- In accordance with City Plans the Alderwood commercial area is reasonably separated and buffered from neighborhoods.
- Mixing residential and commercial financially benefits area businesses while creating a neighborhood that is active 24/7. The residential

development supports commercial activity to meet the needs of the residents.

- Mixed use residential and overall development intensification can be accomplished without detracting from the areas already high level of commercial activity.
- There already appears to be some developer interest in the concept.

In the event Lynnwood Place is ultimately approved at the Lynnwood High School site, numerous new dwellings (≈500) will be built across 184<sup>th</sup> Street SW from Alderwood Mall. This project, if approved, will influence and to some degree change the character of the Mall area. Increasing the opportunity for mixed-use development upon other similarly-situated properties seems appropriate.

When considering that: a) the vicinity that includes Alderwood Mall is designated as a VISION 2040 Regional Growth Center; and b) today's shoppers are attracted to retail centers offering a more-varied experience, staff expects the continued evolution of the Mall area to include:

- Stores clustered along pedestrian promenades or sidewalks.
- Dwellings constructed over street-level shops and services, giving: a) residents access to goods and services without the need for an automobile; and b) businesses a steady, affluent market base.
- Multi-level parking structures providing ready access to many stores and homes.
- Convenient access to transit service and bike routes.

Maximum Lot Coverage: The PRC and PCD's existing 35-percent maximum lot coverage of 35 percent relegates all development in this area to a suburban configuration—individual buildings surrounded by vast areas of parking. Furthermore, this limitation on lot coverage effectively discourages parking structures.

Impacts Upon City Center: A few of the Commissioners raised concerns at the earlier meeting to the effect that allowing for mixed use development around Alderwood could detract from the potential for development occurring in City Center. Staff finds this concern to be unfounded for several reasons:

- First, the ability of a community to “force” development to occur when and where it is convenient is quite limited. Cities can set the table by adopting supportive plans and land use controls and by building infrastructure. However, developers will continue to make investments only when and where they believe they can achieve an adequate return. If a developer wanted to take advantage of the proposed amendment and build a project

around the Mall was told that the City wants their project but somewhere else, they could well look elsewhere outside of Lynnwood for sites that meet their expectations.

- Secondly, significant development in City Center had yet to occur because of macro-economic cycles and development potential elsewhere in our region. Staff is already starting to see significant interest in building in City Center, along Hwy 99 and around Alderwood Mall, all at the same time and we are hopeful that this will continue. We also note that City Center will soon start to see the benefit of the extension of Light Rail to Lynnwood which will act as a further incentive to build nearby.

Traffic impacts: It is expected that multifamily dwellings will generate less traffic during the p.m. peak period than a comparable area of office space. According to the Institute of Transportation Engineers (ITE), general office uses are expected to generate 1.49 p.m. peak hour trips per 1,000 square feet of building area. Mid-rise apartment buildings are expected to generate 0.44 p.m. peak hour trips per dwelling. Many apartments are 1,000 square feet or larger. This means that allowing dwellings in lieu of offices has the potential to partially mitigate traffic impacts that would otherwise occur.

Building height: The proposed amendments will not change maximum allowed building height. Currently, neither zone has a maximum height limit. The proposed changes affect land uses allowed on the second and third floors, and also would allow a greater percentage of the property to be covered by building(s).

It is important to note that staff is not proposing that the City consider undertaking a large scale environmental analysis or Planned Action Ordinance (as was done with City Center). Instead we envision each development proposal will be required to prepare their own SEPA documentation and mitigate their impacts.

### **Previous Council Actions**

Described above.

### **Funding**

NA.

### **Key Features**

In the PRC and PCD zones,

1. The draft ordinance would allow residences within building levels above the first floor. The existing regulations allow residences only upon floors above the third floor.

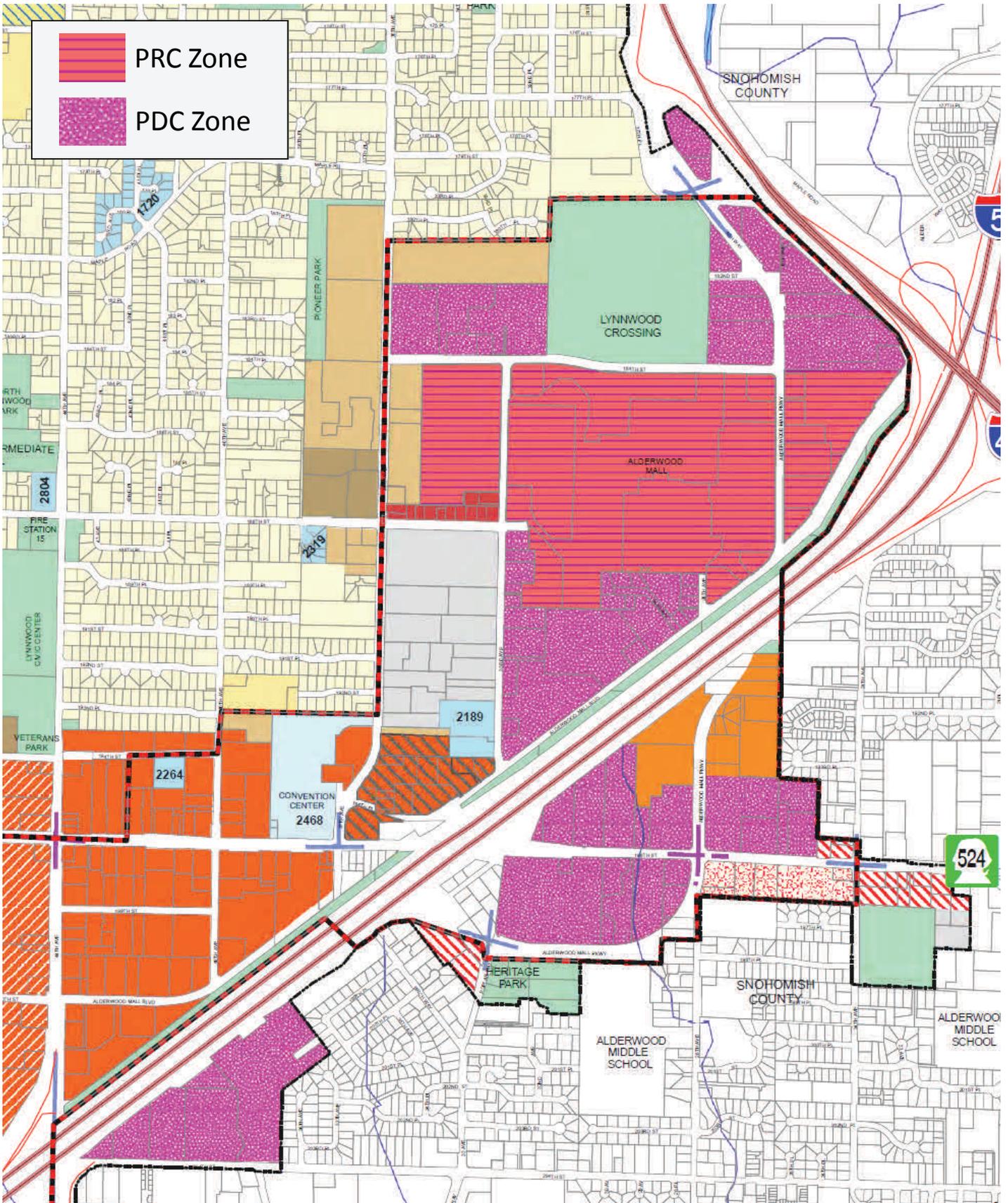
2. The draft ordinance would repeal the requirement that residential floor area within a mixed-use building not exceed 50 percent of the total building area.
3. The draft ordinance would repeal the 35 percent maximum lot coverage requirement for PRC and PCD.
4. The draft ordinance would establish new requirements for onsite recreation area with new mixed-use development in the commercial zones.

**Adm. Recommendation**

Authorize staff to schedule a public hearing for this draft code amendment.

**Attachments**

1. Zoning Map excerpt
2. Summary of existing PRC and PCD zones
3. Draft ordinance - *revised*
4. Comparison of regulations of selected jurisdictions
5. Correspondence
6. Meeting minutes



PRC Zone  
 PDC Zone

### CURRENT ZONING

<p><b>RESIDENTIAL</b></p> <ul style="list-style-type: none"> <li>RS-8 - Residential 8400 Sq Ft</li> <li>RS-7 - Residential 7200 Sq Ft</li> <li>RS-4 - Residential 4000 Sq Ft</li> <li>RML - Multiple Residential Low Density</li> <li>RMM - Multiple Residential Medium Density</li> <li>RMH - Multiple Residential High Density</li> <li>MHP - Mobile Home Park</li> </ul>	<p><b>COMMERCIAL</b></p> <ul style="list-style-type: none"> <li>B-1 - Community Business</li> <li>B-2 - Limited Business</li> <li>B-3 - Neighborhood Business</li> <li>B-4 - Restricted Business</li> <li>CG - General Commercial</li> <li>PCD - Planned Commercial Development</li> <li>PRC - Planned Regional Shopping Center</li> </ul>	<p><b>MIXED USE</b></p> <ul style="list-style-type: none"> <li>CC-C - City Center Core</li> <li>CC-W - City Center West</li> <li>CC-N - City Center North</li> <li>MU - Mixed Use</li> <li>CDM - College District Mixed Use</li> <li>HMU - Highway 99 Mixed Use</li> </ul>	<p><b>INDUSTRIAL</b></p> <ul style="list-style-type: none"> <li>BTP - Business/Technical Park</li> <li>LI - Light Industrial</li> </ul> <p><b>OTHER</b></p> <ul style="list-style-type: none"> <li>P1 - Public</li> <li>PUD - Planned Unit Development</li> </ul>	<ul style="list-style-type: none"> <li>— Lynnwood City Limits</li> <li>— MUGA</li> <li>- - - College District Overlay</li> <li>- - - PSRC Regional Center</li> </ul> <p><b>Gateway Intersections</b></p> <ul style="list-style-type: none"> <li>— Gateway</li> <li>— Prominent</li> </ul>
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**Summary of Planned Commercial Development (PCD) and  
Planned Regional Center (PRC)**

	<b>Issue</b>	<b>PCD</b>	<b>PRC</b>
1.	Purpose	For development of contiguous but individually-owned commercial properties. Conceptual development plan required for rezone to PCD.	For large-scale commercial developments.
2.	Design guidelines apply	Yes.	Yes.
<b>Use Regulations</b>			
3.	Outdoor land uses/activities	Generally prohibited.	Generally prohibited.
4.	Onsite processing/manufacturing	For sale onsite at retail only.	For sale onsite at retail only.
5.	Car rental	Permitted adjacent to freeway.	Maximum of 5 vehicles queued for lease. Maximum of 15 vehicles stored onsite.
6.	Auto sales	Indoor use.	Indoor use.
7.	Auto service station (gas station)	Not permitted.	Conditional use permit required. Numerous development standards.
8.	Auto repair	Not permitted.	Not permitted.
9.	Tire, brake, muffler tune-up	Permitted.	
10.	Convenience store in conjunction with auto service station or fuel sales	Not permitted.	Conditional use permit required.
11.	Church	Permitted.	Permitted. ?
12.	Child daycare	Permitted.	Permitted.
13.	Multifamily dwelling	Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.	Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.
14.	Public utility facility	Permitted.	Permitted.
15.	Auto wrecking		Conditional use permit required.
16.	Dance hall		Conditional use permit required.
17.	Indoor amusement	Not permitted.	Permitted.
18.	Sit-down restaurant serving alcohol	Permitted.	Permitted.
19.	Drinking establishment	Permitted.	Not permitted.
20.	Health club	Permitted.	Not permitted.
<b>Development Standards</b>			
21.	Building setback - general	15' from street. 25' rear setback if adjacent to residential zone.	15' from street; 50' from residential zone.
22.	Building setback – office use	-	50' from RS zone; 25' from RM zone.
23.	Maximum building height	None.	None.
24.	Maximum lot coverage	35%	35%
25.	Landscape buffer strip	Required adjacent to residential zone or public zone.	Required adjacent to residential zone or public zone.
26.			
27.			

**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.46.116, LMC 21.46.200, LMC 21.48.116, AND LMC 21.48.200, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public's general health, safety, and welfare; and

WHEREAS, certain provisions of Chapters 21.46 and 21.48 LMC relating to permitted land uses and development standards within the Planned Commercial Development (PCD) and Planned Regional Center (PRC) zones unduly restrict multifamily residential uses; and

WHEREAS, allowing multifamily residential uses within mixed-use buildings within the PCD and PRC zones can support and implement the City's objectives of accommodating future growth in areas where adequate public facilities and services are available, creating a customer base for businesses within the PRC, and implementing Smart Growth land use planning principles; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 7th day of May, 2012, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

March 15, 2013

1 WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2013, the Lynnwood  
2 Planning Commission held a public hearing on proposed amendments to the  
3 Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be  
4 heard were heard; and

5  
6 WHEREAS, following the public testimony portion of the public hearing, the  
7 Planning Commission deliberated on the draft legislation and by regular motion  
8 voted to recommend that the Lynnwood City Council adopt the amendments to the  
9 Lynnwood Municipal Code; and

10  
11 WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2013, the Lynnwood City  
12 Council held a public hearing on proposed amendments to the Lynnwood Municipal  
13 Code provided by this ordinance, and all persons wishing to be heard were heard;  
14 and

15  
16 WHEREAS, based upon the decision criteria specified by LMC 21.20.500, the  
17 City Council confirms that the amendments contained herein are: a) consistent with  
18 the comprehensive plan; and b) substantially related to the public health, safety, or  
19 welfare; and c) not contrary to the best interest of the citizens and property owners  
20 of the city of Lynnwood; now, therefore:

21  
22 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
23 ORDAIN AS FOLLOWS:

24  
25 **Section 1. Amendment.** LMC 21.46.116 and section 5 of Ordinance 285, as  
26 amended, are each amended as follows:

27  
28 **21.46.116 Limitations on uses – Residential uses.**

29 A. Motels and Motor Hotels. The initial development must contain at least 20 units  
30 composed of multiple-unit type buildings, and shall provide hotel services, including  
31 a main lobby, desk attendant, and room service. When accessory uses providing  
32 services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners,  
33 clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be  
34 primarily oriented internally. Provisions for public functions such as banquets or  
35 meetings need not be oriented internally.

36 B. Multiple-Family ~~Housing~~Dwellings.

37 ~~1. Except for properties zoned PCD, Dwelling-dwellings units~~ may be  
38 permitted in commercial or office buildings on the fourth floor or higher,  
39 ~~providing provided~~ no more than one-half the floor area of the building (not

1 including basements) is used for residential purposes. All provisions normally  
2 applying to high-rise multiple-family housing shall apply.

3 2. For properties zoned PCD, dwellings may be permitted in commercial or  
4 office buildings on the second floor or higher, provided that the street-facing  
5 ground level of the building is occupied by general commercial or office uses.  
6 No dwellings are permitted below the second floor.

7 3. For properties subject to the provisions of this chapter, development with  
8 multifamily dwellings shall provide a minimum of 40 square feet of onsite  
9 recreation area per dwelling. The onsite recreation area shall consist of a  
10 minimum of two of the following:

11 a. Individual patio, deck or balcony immediately adjacent to the  
12 corresponding dwelling. Individual patios, decks, or balconies shall be  
13 designed so that a 6-foot by 6-foot square will fit within.

14 b. Outdoor recreation area accessible to all residents of the  
15 development and designed so that a 15-foot by 15-foot square will fit  
16 within. Common outdoor recreation areas shall include features such  
17 as: landscaped courtyard or plaza; seating; lighting; roof-top garden-or  
18 plaza; children's play structure; and sport court. Outdoor recreation  
19 areas may include overhead weather protection, but may not be  
20 enclosed. Landscaping required within parking areas shall not be  
21 considered outdoor recreation area.

22 c. Indoor recreation space accessible to all residents of the  
23 development and designed so that a 12-foot by 12-foot square will fit  
24 within. Indoor recreation areas shall include furnishings and fixtures  
25 for activities such as: aerobic exercise; children's play; indoor games;  
26 sports; hobbies and crafts; and video entertainment.

27 C. Convalescent and Nursing Homes and Housing for the Elderly and Physically  
28 Disabled. These uses may be allowed by conditional use permit.

29 1. Staff Evaluation and Recommendation. Before any conditional use permit  
30 for the uses designated in this subsection is considered by the hearing  
31 examiner and city council, a joint recommendation concerning development  
32 of the land and/or construction of the buildings shall be prepared by the fire  
33 and community development departments, specifying the conditions to be

1 applied if approved. If it is concluded that the application for a conditional  
2 use permit should be approved, each requirement in the joint  
3 recommendation shall be considered and any which are found necessary for  
4 protection of the health, safety, and general welfare of the public shall be  
5 made part of the requirements of the conditional use permit. In any case, the  
6 approval of the conditional use permit shall include the following  
7 requirements:

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

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

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

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

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

24 2. Development Standards. Housing for the elderly and physically disabled  
25 facilities shall conform to the following criteria:

26 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

27 b. Passive recreation and/or open space: 200 square feet minimum per  
28 unit. In the city's higher density multiple-family zones, developments are  
29 required to provide active recreational space to help satisfy a portion of  
30 the demand for recreational facilities. Housing for the elderly has a  
31 similar need but is of a passive nature. Therefore, passive recreation  
32 space and/or open space shall be provided. Up to 50 percent of the

1 requirement may be indoors; provided, that the space is utilized  
2 exclusively for passive recreation or open space (i.e., arts and crafts  
3 rooms, solariums, courtyards). All outdoor recreation and/or open space  
4 areas shall be set aside exclusively for such use and shall not include  
5 areas held in reserve for parking, as per LMC [21.18.800](#). All open  
6 space and/or recreational areas shall be of a permanent nature, and  
7 they may be restricted to use by tenants only. The use of private and  
8 semi-private patios and balconies in meeting these requirements is not  
9 permitted.

10 D. Living Quarters, Homeless Teenage Parents. Living quarters designed for  
11 homeless teenage parents and their children are permitted in any commercial zone  
12 of the city. For the purposes of this section, "living quarters for homeless teenage  
13 parents" is defined to mean a building or buildings occupied for living purposes by  
14 not more than eight teenage parents and their children.

15 1. Supervision and Maximum Occupancy. Such living quarters must have  
16 an adult supervisor residing therein. The maximum number residing therein  
17 at any one time shall not exceed 21, including parents, children, and adult  
18 supervisor(s).

19 2. Development Regulations and Standards. Subdivision and zoning  
20 development standards for living quarters for teenage parents shall be the  
21 same as for the low density multiple-family residential zone (RML). Such  
22 quarters shall be treated as a R occupancy for fire and building codes.

23 3. Expiration.

24 a. Notwithstanding below herein, uses established in accordance with  
25 this provision shall be considered lawful permitted uses as provided  
26 herein for as long as such use continues to exist. Non-use of any living  
27 quarters for teenage parents for more than six months shall be deemed  
28 to be abandoned and such use shall lose all right to its legal status.

29 b. Except as provided for above, this subsection shall expire on  
30 December 15, 1992.  
31

**Section 2. Amendment.** LMC 21.46.200 and section 3 of Ordinance 522, as amended, are each amended as follows:

**21.46.200 Development standards.**

The following standards shall apply to all structures and nonstructural uses in the commercial zones:

A. General Area and Dimensional Standards. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with the following standards and in conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145](#) (B)(3) (for purposes of determining the required yards along public street, the classification of streets indicated on the comprehensive plan shall apply):

Table 21.46.14  
Minimum Standards

	B-4	B-3	B-2	PCD	B-1	CG
Area (unless adjacent to similar zoned land)	none	3 ac.	1 ac.	none	none	none
Maximum Area	none	6 ac.	none	none	none	none
Front Yard						
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Side Yard-Street						
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Rear Yard	25 ft.	none*	25 ft.	none*	none*	none*
Maximum Building Height	35 ft. <sup>+</sup>	35 ft. <sup>+</sup>	none	none	none	none
Maximum Lot Coverage	35%	35%	35%	<del>35%</del> <u>none</u>	35%	35%

Key:

\* Except where adjoining a residential zone; see LMC [21.46.220](#) and [21.46.230](#).

+ Except that the maximum height within 25 feet of a residential zone is 25 feet.

B. Exceptions.

1. Restricted Business Zone Uses. Uses which are permitted in the Restricted Business zone may be developed in other use zones under the dimensional standards and height limitations of the Restricted Business zone.

2. Repealed by Ord. 2295.

**Section 3. Amendment.** LMC 21.48.116 and section 20 of Ordinance 2020 as amended are each hereby amended as follows:

**21.48.116 Limitations on uses – Residential uses.**

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family ~~Housing~~Dwellings. ~~Dwellings units~~ may be permitted in ~~commercial or~~ office buildings on the ~~fourth~~second floor or higher, ~~providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. provided:~~

1. The street-facing, ground level of the building is occupied by general commercial or office uses. No dwellings are permitted below the second floor. All provisions normally applying to high-rise multiple-family housing shall apply.

2. For properties subject to the provisions of this chapter, development with multifamily dwellings shall provide a minimum of 40 square feet of onsite recreation area per dwelling. The onsite recreation area shall consist of a minimum of two of the following:

a. Individual patio, deck or balcony immediately adjacent to the corresponding dwelling. Individual patios, decks, or balconies shall be designed so that a 6-foot by 6-foot square will fit within.

1 b. Outdoor recreation area accessible to all residents of the  
2 development and designed so that a 15-foot by 15-foot square will fit  
3 within. Common outdoor recreation areas shall include features such  
4 as: landscaped courtyard or plaza; seating; lighting; roof-top garden;  
5 children's play structure; and sport court. Outdoor recreation areas  
6 may include overhead weather protection, but may not be enclosed.  
7 Landscaping required within parking areas shall not be considered  
8 outdoor recreation area.

9 c. Indoor recreation space accessible to all residents of the  
10 development and designed so that a 12-foot by 12-foot square will fit  
11 within. Indoor recreation areas shall include furnishings and fixtures  
12 for activities such as: aerobic exercise; children's play; indoor games;  
13 sports; hobbies and crafts; and video entertainment.

14 C. Convalescent and Nursing Homes and Housing for the Elderly and Physically  
15 Disabled. These uses may be allowed by conditional use permit:

16  
17 1. Staff Evaluation and Recommendation. Before any conditional use permit  
18 for the uses designated in this subsection is considered by the hearing  
19 examiner, a joint recommendation concerning development of the land  
20 and/or construction of the buildings shall be prepared by the fire and  
21 community development departments, specifying the conditions to be applied  
22 if approved. If it is concluded that the application for a conditional use permit  
23 should be approved, each requirement in the joint recommendation shall be  
24 considered and any which are found necessary for protection of the health,  
25 safety, and general welfare of the public shall be made part of the  
26 requirements of the conditional use permit. In any case, the approval of the  
27 conditional use permit shall include the following requirements:

28  
29 a. The proposal's proximity to stores and services, safety of pedestrian  
30 access in the vicinity, access to public transit, design measures to  
31 minimize incompatibility between the proposal and surrounding  
32 businesses;

33  
34 b. Compliance with all applicable state, federal, and local regulations  
35 pertaining to such use, a description of the accommodations and the  
36 number of persons accommodated or cared for, and any structural  
37 requirements deemed necessary for such intended use;

38  
39 c. The amount of space around and between buildings shall be subject  
40 to the approval of the fire chief as being adequate for reasonable

1 circulation of emergency vehicles or rescue operations and for  
2 prevention of conflagration;

3  
4 d. The proposed use will not adversely affect the surrounding area as to  
5 present use or character of the future development;

6  
7 e. Restriction to such intended use except by revision through a  
8 subsequent conditional use permit;

9  
10 2. Development Standards. Housing for the elderly and physically disabled  
11 facilities shall conform to the following criteria:

12  
13 a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;

14  
15 b. Passive recreation and/or open space: 200-square-foot minimum per  
16 unit. In the city's higher density multiple-family zones, developments are  
17 required to provide active recreational space to help satisfy a portion of  
18 the demand for recreational facilities. Housing for the elderly has a  
19 similar need but is of a passive nature. Therefore, passive recreation  
20 space and/or open space shall be provided. Up to 50 percent of the  
21 requirement may be indoors; provided, that the space is utilized  
22 exclusively for passive recreation or open space (i.e., arts and crafts  
23 rooms, solariums, courtyards). All outdoor recreation and/or open space  
24 areas shall be set aside exclusively for such use and shall not include  
25 areas held in reserve for parking, as per LMC 21.18.800. All open  
26 space and/or recreational areas shall be of a permanent nature, and  
27 they may be restricted to use by tenants only. The use of private and  
28 semi-private patios and balconies in meeting these requirements is not  
29 permitted.

30  
31 D. Living Quarters, Homeless Teenage Parents. Living quarters designed for  
32 homeless teenage parents and their children are permitted in any commercial zone  
33 of the city. For the purposes of this section, "living quarters for homeless teenage  
34 parents" is defined to mean a building or buildings occupied for living purposes by  
35 not more than eight teenage parents and their children.

36  
37 1. Supervision and Maximum Occupancy. Such living quarters must have  
38 an adult supervisor residing therein. The maximum number residing therein  
39 at any one time shall not exceed 21, including parents, children, and adult  
40 supervisor(s).

41  
42 2. Development Regulations and Standards. Subdivision and zoning  
43 development standards for living quarters for teenage parents shall be the

1 same as for the low density multiple-family residential zone (RML). Such  
2 quarters shall be treated as an R occupancy for fire and building codes.

3  
4 3. Expiration.

5  
6 a. Notwithstanding below herein, uses established in accordance with  
7 this provision shall be considered lawful permitted uses as provided  
8 herein for as long as such use continues to exist. Non-use of any living  
9 quarters for teenage parents for more than six months shall be deemed  
10 to be abandoned and such use shall lose all right to its legal status.

11  
12 b. Except as provided for above, this subsection shall expire on  
13 December 15, 1992.

14  
15 **Section 4. Amendment.** LMC 21.48.200 and section 20 of Ordinance 2020, as  
16 amended, are each amended as follows:

17  
18 **21.48.200 Development standards.**

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

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

27 2. See LMC [21.16.320](#) for sign regulations.

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

29 C. Maximum Lot Coverage by Buildings. ~~The maximum lot coverage by buildings is~~  
30 ~~35 percent. Lot coverage is not restricted.~~

31  
32 **Section 5. Severability.** If any section, sentence, clause or phrase of this  
33 ordinance should be held to be invalid or unconstitutional by a court of competent  
34 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or  
35 constitutionality of any other section, sentence, clause or phrase of this ordinance.

36  
37 **Section 6. Effective Date.** This ordinance or a summary thereof consisting of the  
38 title shall be published in the official newspaper of the City, and shall take effect and  
39 be in full force five (5) days after publication.

March 15, 2013

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PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Lorenzo Hines  
Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson  
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NUMBER: \_\_\_\_\_

March 15, 2013

1 On the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the City Council of the City of  
2 Lynnwood, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content  
3 of said ordinance, consisting of the title, provides as follows:  
4

5 AN ORDINANCE OF THE CITY OF LYNNWOOD,  
6 WASHINGTON, RELATING TO RESIDENTIAL USES  
7 IN, AND DEVELOPMENT STANDARDS FOR, THE  
8 PLANNED REGIONAL CENTER (PRC) AND PLANNED  
9 COMMERCIAL DEVELOPMENT (PCD) ZONES,  
10 AMENDING LYNNWOOD MUNICIPAL CODE (LMC)  
11 21.46.116, LMC 21.46.200, LMC 21.48.116, AND LMC  
12 21.48.200, AND PROVIDING FOR SEVERABILITY, AN  
13 EFFECTIVE DATE AND SUMMARY PUBLICATION.  
14

15 The full text of this Ordinance will be mailed upon request.  
16

17 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
18  
19  
20

### Comparing Multifamily Open Space Requirements

	City			
	Seattle	Tacoma	Bellevue	Redmond
<b>Housing Type – Apartments (higher intensity mixed-use zones)</b>				
Applicable zones reviewed	Commercial zones	Various Mixed-Use Center districts	Downtown zones and Bel-Red corridor zones (new)	Downtown zones, Overlake Village zones
Standards influencing amount and type of open space	Amenity area plus setbacks, density limit, floor area ratio, parking, and green factor provisions	Yard space standards plus density minimum, parking, mass reduction standards, and landscaping standards	Floor area ratio (FAR), max floorplate standards, tower setback provisions, sidewalk/building relationship, parking, and FAR bonus incentive provisions (some relate to outdoor open space)	Minimum open space standards, parking, setbacks and max floor area ratio standards
Open space required/unit	Commercial zones: 5% of residential floor area (amenity area)	100sf/unit yard space	No specific requirement for Downtown or the Bel-Red Corridor	Downtown – 100sf common open space/unit + min 50sf private open space/unit; Overlake – 6.25% of gross residential floor area as open space
Required design standards for open space	Shared open space – min 10’ dimension and 250sf area; Front, side or rear yards OK; Balcony/deck – min 6’ dim. + 60sf area; Must not be enclosed;	Recently updated: 100% of space may be common yard space – min 15’ dimension + other design standards; Balconies up to 50% required yard space – at least	There are standards & guidelines for public open spaces for Downtown and the Bel-Red Corridor, but no standards or guidelines for private open space	<u>Downtown</u> – up to 100% of required open space can be common, at least 200sf in area, min 12’ dimensions;  <u>Overlake</u> – up to 100% of required open space can be

	City			
	Seattle	Tacoma	Bellevue	Redmond
	Rooftop space not counted as amenity area	35sf and min 4' dimension; Rooftop deck up to 25% of yard space in mixed-use buildings	for multifamily uses (no mention of balconies, for instance)	common, but up to 50% can be private and/or rooftop open space
Design guidelines/ review process	Design review required for projects over certain size threshold or for projects seeking design departures	No existing design guidelines or review process (although MAKERS recently conducted a study for examining options for city to consider)	Yes, there are guidelines and an administrative design review process, but again, no guidance for private open space for multifamily uses	Design review for all multifamily; There is more design guidance for open spaces in Overlake, than for Downtown – except there are specific courtyard dimensional standards for downtown
Comments and observations	Recent update reduces amount of open space but places more emphasis on design quality, usability	Updated standards addressed some serious regulatory shortcomings; City will probably give it some time during poor economy and see how new developments work out before creating a new design review program	Private open space isn't directly addressed at all; The focus is more on maximum building forms, street/ sidewalk relationship, and incentives for public open space	It is interesting to see somewhat different open space approaches between Downtown and Overlake (perhaps the timing – Overlake Standards are newer – has something to do with it). Downtown's specific standards for minimum courtyard width are unique, amongst the four cities reviewed here
<b>Housing Type – Apartments (single purpose multifamily uses)</b>				
Applicable zones?	Lowrise zones	R-3 – R-5 zones and commercial zones	R-10-30 zones,	R-12 to R-30
Standards	Open space	Usable yard space	Multifamily play	Specific open space

	City			
	Seattle	Tacoma	Bellevue	Redmond
influencing amount and type of open space	standards plus setbacks, density limit, parking, floor area ratio (FAR), building/ façade width limits & Green Factor provisions	plus setbacks, minimum lot size, parking, density limit (R-4L zone only), and landscaping standards	area standards plus setbacks, density limit, parking, lot coverage, impervious area, greenscape standards (front yard), and landscape standards	standards plus setbacks, landscaping, parking, lot coverage, and impervious surface standards
Open space required/unit	L1 zone: 300sf common open space/unit (average)  L2-4 zones: 25% of the lot area as open space at ground level – except 50% can be balconies/decks for L3-4 zones	10% of the lot size (R zones – but not C zones); C-zones – 10% of site not covered by buildings must be landscaped	Emphasis on children’s play areas – 800sf/10 units plus 50sf/unit above 10 units	Minimum 20% of lot
Required standards for open space	Common open space – min 10’ dimension and 250sf area; may be in front, side or rear yard; Balcony/deck – min 6’ dimension + 60sf area	Usable yard space – min 15’ dimension; May not be in front yard; May be any combination of private & shared space	800sf min size and min. dimension of 25’; Design standards on accessibility, amenity elements and separation from auto areas	All yards + decks and porches may count as open space provided they have minimum 15’ dimensions; For multi-lot developments, standard can be applied for whole development
Design guidelines/ review process	Design review required for projects over certain size threshold or for projects seeking design departures	No existing design guidelines or review process (although MAKERS recently conducted a study for examining options for city to	No design guidelines or other design review process for the R-zone development	25% of open space for large developments must be as common open space; Includes guidelines for common open space and landscaping

	City			
	Seattle	Tacoma	Bellevue	Redmond
		consider)		design; Design review process for all multifamily
Comments and observations	New code generally reduces the amount of open space required – but has a greater emphasis on the design/usability of the space; Recent increase in “green factor” requirements is more challenging/costly to applicants	Other than dimensional standards noted above, there are no standards/ guidance for multifamily open space in the standard commercial zones	Unique in that focus is only on children’s play areas; No mention of balconies or other usable open space provisions.	For citywide standards, biggest emphasis on variety of site and building design

**Housing Type: Townhouses**

Applicable zones?	Lowrise zones	R-3 –R-5 zones; Mixed-use zones	R-10 – R-30 zones	R-12 to R-30 zones, plus Downtown & Overlake Zones
Standards influencing amount and type of open space	Open space standards plus setbacks, density limit, floor area ratio, green factor, and building/ façade width limits	Usable yard space plus setbacks, minimum lot size, and density limit	There are no standards specific to townhouses – see open space standards referenced above for apartments in multifamily zones	There are no standards specific to townhouses – see open space standards referenced above for apartments in multifamily zones.
Open space required/unit	300sf private ground level space (avg) with min dimensions of 10’	10% of the lot size in R-zones; 200sf/unit yard space in MX zones		For <u>Downtown</u> – Townhouses with at least 200sf of private open space and minimum dimension of 10’ are exempt from common open space standards.
Required design standards for open space	Space must be directly accessible to unit; For sloping lots, decks can qualify	Usable yard space – min 15’ dimension; may not be in front yard		

	City			
	Seattle	Tacoma	Bellevue	Redmond
	as ground level space			
Design guidelines/ review process	Administrative design review required for all townhouses; Process may allow some flexibility in the amount and design of open space	No existing design guidelines or review process (although MAKERS recently conducted a study for examining options for city to consider)		
Comments and observations	Updated standards and administrative design review process provide greater flexibility than old standards and focus more on the quality of open space	New townhouse standards in MX zones addressed serious shortcomings, but the R-3-5 zones outside of MX centers still lack open space standards/guidance	The setbacks and lot coverage provisions will be most influential for townhouses (other than basic market conditions); The play area provision ensures that there will be some common open space	The 20% open space with min. 15' dimensions seem very restrictive and challenging; Planner Jeff Churchill noted that there isn't a lot of undeveloped R-12-30 zoned land left in the city

February 12, 2012

Lynnwood Planning Commission  
c/o  
Mr. Paul Krauss, Director of Community Development  
City of Lynnwood  
4114 198<sup>th</sup> St. SW  
Suite 7  
Lynnwood, WA 98036

**Subject: Request to include PCD zone in its current PRC zone evaluation of multi-family uses**

Dear Members of the Lynnwood Planning Commission,

Edmonds School District #15 requests your consideration of including the District's property at 2927 Alderwood Mall Boulevard, Lynnwood, WA 98036 in the modification of multi-family building requirements you are considering for the PRC zoning adjoining our property to the north.

We encourage you to consider incorporating a change that would modify the multi-family housing restriction currently in place to allow for multi-family in a mixed use development above a first floor commercial uses. The current requirement calls for allowing multi-family only in office buildings above the fourth floor. This requirement is really more geared for mid-rise or high rise construction. In addition, we would request repeal of the limitation currently in place that multi-family units not exceed 50% of the total building area.

This is important for the PCD zone and in particular this property because of the need to redevelop the District's current Maintenance and Transportation site in a consistent manner with surrounding uses and the anticipated market interest for multi-family development in the area. The District is currently requesting proposals for redevelopment of the site and, based on inquiries for the project it appears there is considerable interest to include a multi-family segment in a planned commercial redevelopment of the property. This change would allow a true mixed use approach to redevelopment.

We believe the property could be more attractive for developers if the current multi-family restrictions were relaxed. The District has met with staff previously regarding this topic and was encouraged to make this request.

Thank you for consideration of this request. If you have any questions or would like to discuss our request, please call me at 425-431-7015.

Sincerely,

Stewart Mhyre, Executive Director-Business & Operations

Note: Preliminary minutes of the February 14 and 28, 2013 meetings provided elsewhere in meeting's information packet.

## **Excerpt: Planning Commission Meeting Minutes - May 24, 2012**

### **Work Session**

1. Planned Regional Center zone, mixed use regulations – Proposed amendment of land use regulations for mixed use development within the Planned Regional Center zone. Draft Ordinance.

Deputy Director Corbitt Loch explained that this item was for discussion purposes only tonight. This is the Commission's first review of the topic of multifamily dwellings in the Planned Regional Center (PRC) zone. The proposal is to relax some of the regulations relating to when multifamily development can occur in that zone. Presently the rules essentially preclude any multifamily development within a mixed use building. There is no change proposed to the rule that prohibits multifamily as a single or a primary use of a property. He stated that this matter was prompted by a developer who is interested in doing a mixed use development within this area, but he found that the rules that exist today are not conducive to the project he feels is appropriate.

There are two standards in LMC 21.48.116 that are being proposed for change:

- Presently multifamily dwellings are not allowed below the fourth floor of a mixed use building; however, the second and third floors of a mixed use building are very difficult to lease to non-residential uses. The proposal would allow multifamily dwellings above the first floor.
- The proposal would repeal the existing requirement that the amount of residential floor area per building not exceed the amount of floor area dedicated to non-residential land uses.

Commissioner Braithwaite asked for clarification about the location of this zone. Deputy Director Loch described this area on the map. Commissioner Braithwaite asked how much density would be allowed under the proposed code. Deputy Director Loch replied if there is an agreement for this concept of relaxing some of the standards for mixed use development in this area, staff would get more specific about which development standards would apply. This is being brought to the Commission only at the conceptual level at this time. Commissioner Braithwaite asked if the Costco site will be asking for mixed uses. Director Krauss said that site will be asking for a rezone to allow a mix of residential and commercial. He discussed other entities' proposals for this area as well. Commissioner Braithwaite commented that there are both pros and cons to having residential in this area.

Commissioner Ambalada said she strongly thinks the City should avoid high-density residential by the mall and instead focus on mixed use buildings in the City Center area and Highway 99 revitalization area. She thinks this would be more acceptable to single-family neighborhood residents.

Commissioner Larsen asked for more details about what the change would mean. He also asked how the increase would affect Costco's EIS. Finally, he said he'd rather see this come through as a docket item. Director Krauss explained that there is no docket going through this year. Regarding the EIS for the LHS site, he explained that it's a standalone EIS and doesn't

relate to anything else that might happen in the area. Anything that comes in subsequent to that development has to do its own environmental review. He discussed factors that need to be considered with regard to traffic in a mixed use development where residents can walk many places instead of driving. He commented that Community Transit has started a new route that goes from downtown Edmonds to Alderwood along 196<sup>th</sup> Street. CT has stated that it is the fastest growing service they've ever had after the SWIFT BRT.

Commissioner Braithwaite said it would be an interesting economic consideration to see whether the desire for multifamily is detrimental to commercial space or whether it is facilitating commercial space as well. He commented that there is an economic difference to the City in terms of tax revenue and sales tax revenue. Director Krauss clarified that as this is proposed it would not occur without there being commercial development on the ground floor. In that sense, it is similar to projects like the Safeway that was built under a condo or apartment building across from Bel-Square and other projects that have been built in the region. Those sorts of projects would not happen if there was not a foundation for commercial use under it. Director Krauss offered to bring Economic Development Director David Kleitsch to a Planning Commission to give an economic development perspective on this. He referred to Northgate as an example of how this can be a win-win relationship for commercial and residential development. Commissioner Braithwaite noted that Lynnwood could learn from some of the aesthetic mistakes made at Northgate as well. Director Krauss was pleased to report that Lynnwood is far advanced, with regard to design standards, over Seattle.

Chair Wright said that he is generally supportive of allowing mixed use where possible specifically for the idea of saving single family residences.

Commissioner Larsen commented on the traffic issues that already exist at the mall, especially around the holidays. He asked for some input from the traffic engineer regarding the Level of Service for this proposal. Director Krauss agreed that there are some traffic issues at the mall especially around the holidays, but noted that some of the information they've gotten from the Lynnwood High School EIS is intriguing, because the loop road that is incorporated into that project goes a long way to fixing the intersection at Alderwood Mall Parkway and 184<sup>th</sup>. Additionally, the continuation of that project is to do the design for the Poplar Way Bridge overpass over I-5. That would be a straight shot to 33<sup>rd</sup> Street and the loop road and would create a whole new way of accessing that area that is not proximate to any of the single-family neighborhoods.

Deputy Director Loch indicated that staff would bring this item back with more detail before it is moved to a public hearing.

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