

# AGENDA

## Lynnwood Planning Commission

Thursday, April 25, 2013 — 7:00 pm

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

---

### A. CALL TO ORDER – ROLL CALL

### B. APPROVAL OF MINUTES

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

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

### E. PUBLIC HEARINGS

#### 1. CODE REVISION RELATED MULTIFAMILY RESIDENTIAL USES WITHIN THE HIGHWAY 99 CORRIDOR

Public hearing regarding proposed amendments of the Zoning Code, to allow multifamily residential dwellings upon properties within the Highway 99 Corridor zoned B-1 – Community Business and CG – General Commercial.

#### 2. CODE REVISION RELATED BANNER SIGNS

Public hearing regarding proposed amendments of the Zoning Code, adopting regulations to allow the display of banners.

### F. WORK SESSIONS

None.

### G. OTHER BUSINESS

None.

### 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.*

This page intentionally blank.

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

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

**Call to Order**

The meeting was called to order by Chair Wright at 7:02 p.m.

**Approval of Minutes**

1. **February 14, 2013 Meeting**
2. **February 28, 2013 Meeting**

*Motion made and seconded to approve the February 14, 2013 and February 28, 2013 meeting minutes as written. Motion passed unanimously.*

**Citizen Comments**

None.

**Public Hearings**

1. **CODE AND ZONING MAP REVISIONS RELATED TO THE B-3 AND B-4 COMMERCIAL ZONES**  
Public hearing regarding proposed amendments of the Zoning Code and Zoning Map related to the B-3 and B-4 commercial zones.

Staff Presentation:

Todd Hall, Associate Planner, presented Zoning Code and Zoning Map amendments related to the B-3 and B-4 zones. He reminded the Commission that this had been discussed last summer, and that Council had asked staff to move forward with these amendments. He reviewed the proposal as stated on page 1 of the Staff Report in the packet. Staff is proposing to combine the B-3

(Neighborhood Business) and B-4 (Restricted Business) into a single, low-intensity commercial zone called B-3 (Neighborhood Commercial). The amendments will allow for more flexibility with regards to development standards, and allow a broader array of commercial uses. Mr. Hall explained that the proposed code change would also allow for multifamily and mixed-use housing on parcels more than one-half acre in size.

Currently there are seven "Commercial" districts, four of which are "B" zones (Business). Initially these were created to differentiate varying levels of commercial intensity. B-3 and B-4 are the most-restrictive, low-intensity commercial zones. The B-3 and B-4 zones are rarely used; and there is very limited difference between the two. Only 37 parcels are currently designated B-3. Three parcels are fully-zoned B-4, and four parcels are partially zoned B-4. Mr. Hall reviewed the locations of these zones on a map.

Changes to Chapter 21.46 - Permitted Use Chart were also reviewed. The proposed amendments to the permitted use chart would clarify uses and terminology. Service stations would be permitted with a Conditional Use Permit (CUP), but wouldn't be allowed adjacent to, or across the street from, a residential zone. The alcohol restriction would be removed from sit-down restaurants. Nursing, convalescent, elderly, and physically-disabled homes would be permitted outright instead of requiring a CUP in these districts. Veterinarian clinics, excluding outdoor kennels and runs, would be permitted. Respite care and multifamily housing units would be permitted, but subject to the half-acre minimum lot size and height limit of three stories or 45-feet. Convenience stores would be permitted, but not located across the street from residential zones.

The hearing was opened at 7:15 p.m.

### Public Testimony

Ted Hikel, 3829 - 191st Place SW, Lynnwood, WA, explained that the B-4 zone was created specifically for the north side of 194th Street SW, between 40th Avenue W. and 44<sup>th</sup> Avenue W. Knowing that the zone backed up to a residential neighborhood, the very limited B-4 zone restricted restaurants as well as other things in order to protect the adjacent residents. The goal was to have this zone comprised of 9-to-5 offices, open Monday through Friday, that would not impinge on adjacent residents' peace and quiet on the weekends. Alcohol was not allowed in the B-4 zone because the Council felt that nearby residents shouldn't be impacted by 2:00 a.m. revelers leaving restaurants. He expressed concern about multifamily being allowed in every new zone that comes forward, especially when many of these properties are directly adjacent to single-family residential areas. As an alternative, he suggested low-density, multifamily zoning, or allowing multifamily with a Conditional Use Permit (CUP) where

appropriate. Mr. Hikel indicated that Perrinville seems to be a place where multifamily uses would be appropriate.

Mr. Hikel indicated he doesn't understand the logic of changing the zoning from "Neighborhood Business" to "Neighborhood Commercial" as the term, "commercial" suggests a much higher intensity of use. Additionally, land uses allowed in Commercial zones are really not the sort of things Council wanted to occur in the B-3 and B-4 areas--especially where they abut single-family residential. He stressed that this new zone should be compatible in a small way with a residential area, and not just another commercial zone in the city. He questioned the half-acre requirement for multifamily, noting that 21 of the parcels in B-3 and B-4 are big enough that you could have medium-density, multifamily development on them.

He asked if this push for more housing was a result of the Growth Management Act (GMA), and reminded the Planning Commission that the town of Woodway and the town of Brier have said that they're not taking any more people into their communities and are standing with their population base as it is now. He objected to Lynnwood accepting higher and higher population targets from Snohomish County Tomorrow. Mr. Hikel pointed out that the increase in population would also increase traffic problems.

Finally, he expressed concern about the buffering requirement between the proposed projects and the single-family properties, which results in a solid, "green wall" of very tall, evergreen trees, which in turn severely limits sunlight for residents. He suggested that there should be a limit for how high the trees can grow. He submitted a photo showing the issue he is concerned about.

Allen Percy, 733 Melody Lane, Edmonds, stated he is the owner of the 76th Plaza, located at 196th and 76th Street. He wants to put a small fitness center in a retail space there, but does not see them listed in permitted uses. He noted that across the street there is a small fitness club and recommended that they be allowed in the updated B-3 zone.

Director Krauss explained that the proposal does not allow "health clubs" in the B-3 zone on the presumption that they are typically large facilities, operating 24 hours per day, and generating significant traffic volumes. However, he thought that what Mr. Percy was referring to would be allowed, as it would be a storefront use/general retail use, and have very different characteristics as a less-intensive type of business. He indicated staff would review the matter and make clarifications if needed.

With no other citizens wishing to speak, the public hearing was closed at 7:30 p.m.

## Commissioner Comments and Questions

Commissioner Braithwaite asked what would happen to existing uses that would not be permitted under the new zoning. Director Krauss stated that this is a very common problem with rezones. Those uses would be nonconforming and could continue indefinitely. If nonconforming uses cease to operate for six consecutive months it would lose its grandfathering and have to comply with current regulations. Commissioner Braithwaite asked if these nonconforming uses would be allowed to upgrade or expand their business, Director Krauss stated that the Lynnwood non-conforming code says that anything done that's significant has to lessen or eliminate the non-conformity. Generally speaking, the answer would be, "Probably not."

In response to Commissioners' questions, Director Krauss stated that the third thing being proposed would enhance the flexibility slightly regarding the types of commercial uses permitted. He explained that several years ago the City was approached by the bank that took over Perrinville who raised concerns that the newer commercial building, which had never had tenants in it would be difficult, if not impossible, to fill at the rental rates that related to the costs of the building. Several developers looked at the Perrinville site to ascertain the potential for medium-density residential development. The idea of the half-acre minimum was to avoid cramming multifamily onto smaller lots. This number was picked to rule out the smallest pieces, but Director Krauss noted that a different number could be used.

Commissioner Larsen referred to the areas they were contemplating rezoning and stated he is happy to see this come forward because he thinks it will encourage the owners to improve those properties. However, he also had concerns about compatibility issues. For some of the areas he would be more comfortable with the CUP process or having some authority to ensure that compatibility issues can be addressed. Generally, he thinks the code amendment is a good idea, and it is incumbent on the Planning Commission to try to improve the properties in the City's interest.

Commissioner Wojack requested a staff response to Mr. Hikel's concerns, especially regarding the north side of 194th Street SW. Director Krauss thought that the B-4 zone that Mr. Hikel referred to along 194<sup>th</sup> Street SW no longer exists, as this area was rezoned to City Center by the City Council seven or eight years ago. Commissioner Wojack concurred with Mr. Hikel's concerns about neighborhood restaurants and bars. He asked if there might be a limit on hours for businesses in the new Neighborhood Commercial zone to limit noise. Another idea would be a CUP for businesses that staff might deem "not quite harmonious" with the residential neighborhood next door. Director Krauss explained that CUPs in general have proven to be problematic in code-writing in a lot of communities. Parts of Lynnwood's codes also suffer from this problem in that there are some uses that are designated as conditional, but the conditions

have not been established. Establishing uses as Conditional often result in decisions that can be determined to be arbitrary. From a code-writing standpoint, he recommended coming up with criteria for permitted uses so that there is no question about it. Regarding establishing business hours, he stated that this would require more examination to see if it should be a requirement for all businesses.

Commissioner Larsen commented that the B-3 properties are potentially very high-density sites. He suggested considering a one-acre minimum lot size for multifamily development, and a maximum height limit of 35 feet, in order to minimize the potential for adverse impacts. Director Krauss stated that increasing the minimum lot size was a possibility the Planning Commission could consider. However, he noted that a 35-foot maximum height would not facilitate wood-over-masonry podium that you see in these kinds of transitional districts where you might have three floors of residential above a floor of commercial. The height of the commercial floor is usually in the 12-15 foot range, and the residential floors are usually about 10 feet on top of that. He stated that staff could do more research on other implications of this idea.

In response to Commissioners' questions regarding building setbacks, Mr. Hall explained that there would be a side yard of 15-feet on each side.

Director Krauss further responded to Commissioner Larsen's comments. He stated that the three-stories over a commercial podium would require a 45-foot total height. He remarked that there are only a couple locations where this type of development would be possible. He is not as concerned about applying the one-acre minimum, but suggested that the Planning Commission consider leaving height limit at 45 feet.

In response to Commissioners' questions, Mr. Hall noted that there are about nine parcels over one acre in size. Commissioner Larsen asked about the density calculations per acre for this type of development with 45-foot-high buildings. Mr. Hall stated he thought that the maximum number of dwellings would be about twenty, but that would not fully account for improvements and requirements such as setbacks, landscaping, and parking. Commissioner Wright thought that if they go with the one-acre minimum they would see more substantial developments that are unified-looking projects and possibly avoid excessive development on smaller parcels. He spoke in support of the one-acre minimum lot size for multifamily development.

Commissioner Braithwaite asked if the code could allow the City to determine on a lot-by-lot basis where residential development would be appropriate. Director Krauss stated he is not aware of an effective way to discriminate within a zone on a parcel-by-parcel basis. He felt they were getting at that by increasing the minimum lot size for multifamily development from one-half to one acre. From a

practical standpoint, he thought that there are only three locations that would have the potential of working with the one-acre minimum.

*Motion made by Commissioner Larsen, seconded by Commissioner Wojack, to recommend the proposed B-3 zone generally as written with multifamily limited to one-acre minimum lot size, and with the clarification that the general notion of a retail storefront fitness center should be allowed.*

Commissioner Larsen requested that staff research whether or not any additional language is necessary for the fitness club use referred to by Mr. Pearcy. Director Krauss's opinion was that this should already be a permitted use.

*Motion passed unanimously.*

## **Work Session**

### **NEW BUSINESS**

#### **1. 2013 COMPREHENSIVE PLAN AMENDMENTS**

Discussion of potential amendments to the Comprehensive Plan

Deputy Director Loch solicited input from the Planning Commission for potential amendments to the Comprehensive Plan during 2013. He stated that the public was notified of this process in January. Staff has also notified other city departments and will ask the City Council for suggestions for amendments. Staff has heard from two city departments that are planning on making applications for amendments. He provided a list of topics that staff had compiled and brought to the Commission back in September for the 2015 update process. He noted that the final lists would be up to the City Council.

Commissioners inquired about amending the Comprehensive Plan to provide greater clarity regarding where multifamily and mixed-use development should be permitted. Director Krauss replied that would be a good project, but it would be more applicable to the 2015 major update--when the City is required incorporate strategies for achieving population growth targets and demonstrating consistency with Puget Sound Regional Council's Vision 2040. The 2013 annual amendments are a little more mechanical in nature. Deputy Director Loch stated staff was hoping to get input from the Commission at this meeting, but they could continue the matter to a future meeting if needed. Upon questioning by the Chair, the Commission did not identify amendments needed during 2013.

## 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.

Senior Planner Rivera reviewed the Staff Report as contained in the Planning Commission's packet. The proposed ordinance would amend the purpose of the B-1 and General Commercial zones to allow housing on parcels in the Highway 99 Corridor of a minimum size of five acres. The ordinance also includes standards which are the same as the mixed use corridor with the requirement that properties within 200 feet of Highway 99 incorporate commercial uses and result in mixed-use development. She solicited Commission input and stated staff was seeking authorization from the Planning Commission to schedule a public hearing on the proposed amendments.

Commissioner Wojack referred to landscape buffer requirements and expressed concern about the requirements—as was mentioned earlier in the meeting by Mr. Hikel. He discussed the buffer trees planted behind his home, which are now dying because the trees were planted too close together. He requested that for future standards, staff research how close conifer trees can be planted and remain healthy. Director Krauss noted that staff could look at that, but to amend those standards would require amendments to another section of code. He acknowledged how improper plantings could be problematic, but commented that most of the time when neighborhoods ask for buffers they want the biggest trees possible. There was general concurrence that staff would review the City's landscaping standards as a separate task.

Councilmember Larsen asked what was driving the proposed changes. Director Krauss explained that the focus of the Highway 99 Plan was on the nodes, not the corridor areas between nodes. At the City Council hearing for the Highway 99 Plan, Council directed that flexibility be added for mixed use development in areas between the nodes. The Council thought this was a good idea and included this as part of their approval of the Plan. However, no work has been done to develop a new ordinance that supported what the Council wanted to do. Staff is now proposing this Code change to ensure consistency between the adopted Plan and the City's development regulations.

Commissioner Braithwaite expressed his concern over creating new and potentially hazardous driveways on Highway 99. He also inquired as to how the City could encourage the assembly of small properties into larger development sites. Director Krauss replied that from a traffic standpoint, what is being proposed already deals with the turning movements and the driveways because there is already a mandate that you can't do mixed use development unless you have at least five acres. The City exercises access control with State Department of Transportation oversight on State routes such as Highway 99.

Under the access control, anytime somebody proposes a property for redevelopment they are allowed only one or two curb cuts even if the existing property has many more. Regarding encouraging the assemblage of properties, he stated that they looked at this early on with the Highway 99 code, but didn't get very far with it. Since Highway 99 runs at a bias to the street grid, there are a lot of odd-shaped lots that are very difficult to develop. However, as the property becomes more valuable, there will be more incentive to assemble.

Commissioner Wojack asked if they should postpone any action on this until after B-3 and B-4 are combined into the new Neighborhood Commercial zone. Director Krauss acknowledged that the code would have to be cleaned up, but it would not require a separate action. There was consensus amongst the Commission that staff schedule a public hearing for the proposed code amendment.

### **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.

Deputy Director Corbitt Loch stated that this item has been discussed by Planning Commission a few times, and each time there has been refinement and improvement to the legislation. This is another step in the process of amending the Planned Regional Center (PRC) zone and the Planned Commercial Development (PCD) zone. The amendment is an initiative to allow multifamily dwellings to be located on the second and third floors of mixed-use buildings in those two zones. He requested the Planning Commission consider the draft ordinance before them and either direct staff to schedule a public hearing, or to make further revisions for the Commission's review. The proposed amendments to the code are summarized as follows:

- Repeal prohibition of multifamily dwellings on the second and third building levels.
- Repeal the 35% maximum lot coverage provision for the PRC and PCD zone.
- Add requirements for onsite recreation area/open space for mixed use in commercial zones regulated by Chapter 21.46 LMC.

With regard to the recreation requirements, staff has taken an effort to provide standards that would be compatible with the urban environment and would not discourage or preclude development of property. Comparisons with other jurisdictions were included in the packet. The proposed standards state that overall there be a minimum of 40 square feet of open space or recreation area per dwelling. There are many different options available to the developer for achieving this, but they must include at least two of the following: a) individual

decks and balconies; b) shared outdoor recreation area; or c) shared indoor recreation area.

Commissioner Larsen pointed out that there have been three agenda items tonight that promote multifamily development. He expressed concern that condominiums are not included as an option and commented on the value of home ownership for the community. He said he would like to know how the law works on condos and that he'd like to have more discussion about whether or not the City wants to support and promote home ownership. He also would like to have more discussion about the amount of multifamily development proposed for the City. He commented that Alderwood Mall and the new Lynnwood Place development constitute a community center and will attract new development in the area. He is proud of living here and being a part of this, but would like to further discuss the relationship of ownership versus rental to determine if there are any issues or ramifications they need to be aware.

Director Krauss acknowledged that every community has a desire to promote ownership because it implies an investment in the community and less turnover. However there is no mechanism that he is aware of that allows the City to mandate it. Regarding condominiums, he explained that condo development ran into many liability issues related to the type of construction, the ownership, and state law, but he thought that the legislature amended some things recently to address that issue. He noted that there are some condo developments happening in the community.

He referred to what is being proposed by a developer near the mall and emphasized that the exact same building is already permitted by City code. The only differences are that Lynnwood has a prohibition against putting the residential uses on the second and third floors. The other change that is being advocated is an increase in the amount of land that can be occupied by structures. Staff thinks that this makes sense not only for mixed use development, but for the mall itself. The 35% maximum lot coverage is a suburban standard and means that you will always have large seas of asphalt surrounding buildings for parking. Director Krauss said he doesn't think the changes themselves are that dramatic, and they remove potential roadblocks for new development.

Commissioner Braithwaite raised a concern about the conversion of property from commercial to residential uses and its impact on tax generation for the City. Director Krauss pointed out that there would still a requirement that the ground floor be commercial so there still will be that commercial component. Lynnwood Place has first-floor commercial with residential above it. It also has a few exclusive commercial buildings plus Costco so it is a mix of commercial and residential.

Commissioners asked about national and regional trends regarding commercial development. Director Krauss stated that what they are seeing in the region and around the country is the transitioning of commercial space to other uses. Alderwood, fortunately, is one of the winners in this aspect. However, there are only so many big boxes out there. The demand has also changed as a result of the recession. Before the economy tanked, General Growth approached him and David Kleitsch to see if the City might be receptive to putting their parking into more parking garages and freeing up space for offices, housing, and more retail pads. Staff was excited about the notion, but never got a chance to take it before the Council due to the recession and General Growth going through bankruptcy. He is confident, however, that that sort of thing will happen again. Staff sees Alderwood Mall retaining or even increasing its importance as a regional center, but also maturing to a model that's a little more intense than the sprawling suburban model. Deputy Director Loch added that with online shopping people can easily buy things from home. What staff is hearing is that people go out to go shopping for an experience, which is why retail centers like University Village are popular.

Commissioner Wojack spoke in support of the proposed minimum dimensions for decks. He asked how easy it would be to convert apartments to condos. Director Krauss discussed the history of condo conversions. While there are a lot of reasons to encourage the permanence of ownership, there is also some value to striving to have more upward economic diversity as well. He commented on the high quality of the proposed multifamily development within Lynnwood Place, and the value those residents provide to the community. He noted that staff has been working with a developer who is bringing in a 300-unit senior building in City Center. City Center needs people to live in it to be the customers of the stores that we want to see.

Commissioner Larsen commented that the other side of his thinking on multifamily is that it is highly likely that these kinds of commercial centers will begin to take on a life and energy of their own. He discussed high-density areas of Germany where he spent some time when he was younger which were very exciting. He thinks this is probably Lynnwood's future, and we have a chance to do a very good job with it.

Director Krauss stated that one of the primary reasons why Lynnwood did things like the Highway 99 area and some of these things around Alderwood Mall and the City Center is because there is an overriding goal of protecting Lynnwood's single-family neighborhoods. While we do have obligations to accept growth under State GMA, Lynnwood has made a conscious decision to not do it at the expense of single-family neighborhoods. Snohomish County made the opposite decision (LDMRs) which has had undesirable results.

*Motion made and seconded to schedule a public hearing for this draft legislation.  
Motion passed unanimously.*

## **Other Business**

None.

## **Council Liaison Report**

Councilmember AuBuchon expressed appreciation that the City Council had filled the vacant Planning Commission position. He welcomed Mr. Cotton to the Planning Commission. He stated that Council has finished Cycle 1 of Lynnwood Place process and has moved into Cycle 2. He indicated the Council will be interested in the issues addressed by the Planning Commission tonight.

## **Director's Report**

Director Krauss had the following comments:

- A couple weeks ago staff and Council took a bus tour to see the alternatives for the LRT alignments and station locations. He appreciated the time the Council put in on this because it's difficult to visualize what the LRT really means and the impacts of the potential alignments without actually being out there. He explained there are three alternatives for bringing light rail into Lynnwood and each has a different station location, entrance route to the City Center, and exit route from the City Center. The Council has talked about scheduling a follow-up to discuss options.
- The subject of population and employment growth targets is very active right now. Lynnwood has been extraordinarily progressive with City Center and Highway 99 and already essentially agreed to accept 10,000 more people than our current population. Now, using VISION 2040's Regional Geographies allocation formula, Lynnwood is being asked to accept another 10,000 population. Everett, Woodway, Lynnwood and Bothell indicated concern about their ability to accept the amount of growth. He was pleased that the Snohomish County Tomorrow Steering Committee recommended approval of the motion that said Lynnwood, Everett, and Bothell can only take what they can theoretically figure out ways to do because the other communities, such as Marysville and Lake Stevens, were willing to step up to the plate. He commented that Woodway was being asked to take 2,400 people which is more than their current population. Lynnwood already has capacity for almost 1,000 more people than they had to have in the last round. Staff feels they can figure out ways to possibly accommodate another 4,800 people by 2035.

## **Commissioners' Comments**

Commissioner Larsen said he was happy to be back. He explained he had attended 13-week Citizen's Academy put on by the Police Department. This was a very good experience which he highly recommends.

Commissioner Cotton indicated he was excited to be a member of the Planning Commission.

### **Adjournment**

The meeting was adjourned at 9:24 p.m.

---

Richard Wright, Chair

**Lynnwood Planning Commission  
Meeting of April 25, 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**

Public hearing and discussion, followed by possible vote of recommendation to the City Council.

**BACKGROUND**

On September 12, 2011, the City Council approved the: Highway 99 Subarea Plan; Design Guidelines for the Highway 99 Mixed-Use Zones; and 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. At the Planning Commission meeting of March 28, 2013, staff introduced an Ordinance that would amend the Zoning Code. Staff noted that the Mixed Use code standards adopted as part of the amendments would provide a buffer adjacent to residential properties. A provision that retail uses were required with 200 feet of Highway 99 would help maintain retail development adjacent to the Highway. At the conclusion of the discussion, the Planning Commission passed a motion to schedule a public hearing.

**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**

The public hearing is to receive testimony on an ordinance that would allow multifamily residences as a permitted use upon property: a) within the Highway 99 Corridor; b) located outside of a Highway 99 Mixed Use Node; c) zoned Community Business (B-1) or General Commercial (CG); and d) greater than five acres in size. Within 200 feet of Highway 99, a commercial land use would be required in addition to the multifamily dwellings. At the present time, the only parcel five acres in size or larger is the location of COSTCO, however, five acres sites could be achieved within the Corridor at other locations following lot consolidations.

Achievement of this legislative objective requires amendment of three sections of Chapter 21.46 LMC: 1) 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; 2) amend Table 21.46.10 to allow multi-family residential development correlating proposed uses with the commercial zones; and 3) amend 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.

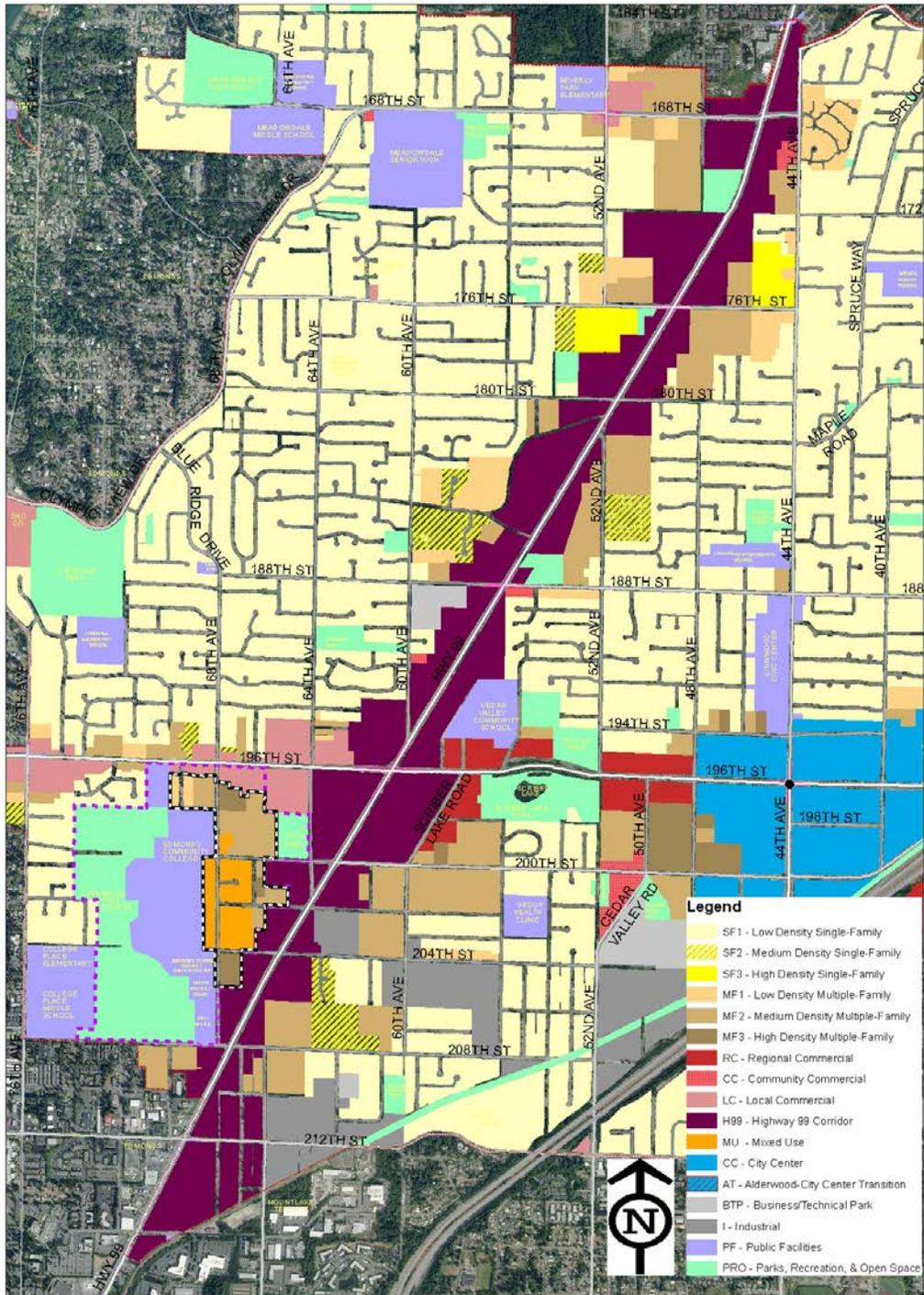
**RECOMMENDATION**

Conduct the public hearing in order to accept input from the general public, and discuss the proposed Ordinance. Recommend the City Council approve the draft Ordinance, either as written or as amended by the Planning Commission.

**ATTACHMENTS**

- A. Highway 99 Corridor Map
- B. Proposed Ordinance

# Highway 99 Corridor



This page intentionally blank.

**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.

---

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 April 25, 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 or 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 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>Table 21.46.10</b>						
<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 April 25, 2013**

**Staff Report**

**Agenda Item:**

Regulations for the display of banners.

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

Community Development Department

**Summary**

The purpose of this agenda item is to provide a public hearing regarding draft regulations for banners. The draft legislation was previously reviewed by the Planning Commission on September 27, 2012, however other Departmental priorities delayed the scheduling of this public hearing. Minutes of the Planning Commission's September 27, 2012 meeting are attached.

After the public testimony portion of the hearing, it is expected that the Commission will deliberate on the draft Ordinance and forward a recommendation to the City Council.

**Action**

Conduct the public hearing in order to receive input from the general public. At the conclusion of the hearing, forward the Commission's recommendation(s) to the City Council.

**Background**

Currently, the City of Lynnwood only allows the display of banners in conjunction with a special event, which are regulated through a multi-department permit review process. Examples of special events include: parades, farmer's markets, sidewalk sales, fairs, marathons, etc. Businesses routinely desire to display banners for limited periods of time—for purposes that do not equate to a special event. Currently, those businesses must obtain a special event permit in order to display a banner.

The Special Events Code, Chapter 5.30 LMC, was designed to regulate significant temporary deviations from standard permitted uses:

*H. "Special event" means any fair, show, festival, exhibition, party, rodeo, animal show, promotion, entertainment, tournament, farmers' market, parking lot*

*sale, tent sale, or any other temporary activity of like character, which is conducted, in whole or in part, outdoors on a specific property or properties.*

Chapter 5.30 LMC was not designed to regulate banner signs but has defaulted to this function since they are not currently allowed elsewhere. Special event permit review involves requires input by police, utilities, fire prevention, community development and business licensing. It is a time consuming and labor-intensive approach to regulating banners. The Special Events Code itself, Chapter 5.30 LMC, imposes restrictions on special events that create significant limitations on the ability to use those regulations to gain approval for banner signs.

This issue has been discussed with the City Council on several occasions. An example of one of the many issues that result from the status quo, the City was unable to allow Whole Foods to use a banner sign to advertise their need to hire staff prior to opening. The Council directed staff to work on code amendments to address this problem.

The adoption of sign code regulations specifically for banners will improve the City's business climate without creating visual clutter. The proposed amendments would also align Lynwood's standards with most of the other jurisdictions in the area. Customer service will be improved and there will be some savings in staff time that could be utilized elsewhere.

The recommended approach to regulating banners is to add rules specifically for banners to the Lynnwood Sign Code, which is codified as Chapter 21.16 LMC. Regulations for special events would remain as Chapter 5.30 LMC. As a separate legislative amendment, staff is currently preparing a comprehensive update of the Special Event Code.

City staff issued public notice of this hearing in conjunction with a SEPA determination (State Environmental Policy Act). That notice was issued on March 30, 2013. Notice was: a) published in the Everett Herald; b) posted at official posting places and on the City of Lynnwood website; and c) mailed to other government agencies.

#### **Previous Commission or Council Actions**

Described above.

#### **Funding**

NA.

#### **Key Features**

1. Creates regulations for the display of banners for purposes not related to a special event or civic event.

2. Banners allowed for one-time events:
  - a. "Grand Opening" type events for new businesses. (45 days max.)
  - b. "Pre-Grand Opening" type events, such as "Now Hiring" (30 days max.)
3. Banners allowed for re-occurring events (such as annual sale). (30 days max., two times per year).
4. One banner allowed per business' street frontage.
5. Four sizes of banners allowed, based upon the size of business.

**Adm. Recommendation**

Recommend the City Council adopt the draft Ordinance as written, or as amended by the Planning Commission.

**Attachments**

1. Draft ordinance
2. Summary of regulations of selected jurisdictions
3. Meeting minutes

This page intentionally blank.

1 **CITY OF LYNNWOOD**

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

3  
4  
5 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**  
6 **OF LYNNWOOD, WASHINGTON, RELATING TO THE**  
7 **DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC**  
8 **21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION**  
9 **TO CHAPTER 21.16 LMC, AND PROVIDING FOR AN**  
10 **EFFECTIVE DATE, SEVERABILITY AND SUMMARY**  
11 **PUBLICATION**  
12  
13

14 WHEREAS, the City of Lynnwood currently allows the display of banners only in  
15 conjunction with a special event, and by the issuance of a special event permit; and  
16

17 WHEREAS, businesses and other entities routinely seek to display a banner for a limited  
18 amount of time for purposes not associated with a special event, but City regulations provide no  
19 authority or process for the City to allow the display of a banner other than as a request for a  
20 special event; and  
21

22 WHEREAS, the City's special event code, codified as chapter 5.30 LMC, does not  
23 provide appropriate regulations for the display of banners not associated with a special event; and  
24

25 WHEREAS, the review and processing of special event permit applications solely for the  
26 purpose of authorizing the display of temporary banners is not procedurally efficient and it is in  
27 the public's interest that the City enact regulations more specifically related to the temporary  
28 display of banners not associated with a special event; and  
29

30 WHEREAS, as provided by Chapters 1.35 and 21.20 LMC, the City has established  
31 procedures and decisional criteria for proposed text amendments to Title 21 LMC, Zoning, also  
32 called the Zoning Code; and  
33

34 WHEREAS, the process for amending the zoning code includes opportunities for  
35 meaningful public participation and input, including public hearings conducted by the Planning  
36 Commission and by City Council; and  
37

38 WHEREAS, on March 30, 2013, the Community Development Director, acting as the  
39 SEPA Responsible Official, issued a Determination of Non-Significance (DNS) pursuant to the  
40 State Environmental Policy Act (SEPA), and the applicable appeal period concluded without  
41 appeal; and  
42

1 WHEREAS, on September 18, 2012, the proposed amendments to the Comprehensive  
2 Plan and the Zoning Code (Title 21 LMC) were submitted to the Department of Commerce in  
3 accordance with RCW 36.70A.106 and WAC 365-196-630; and  
4

5 WHEREAS, on March 30, 2013, notice of the April 25, 2013 public hearing before the  
6 Planning Commission was provided in accordance with applicable law, and during the public  
7 hearing all persons wishing to be heard were heard; and  
8

9 WHEREAS, on \_\_\_\_\_, 2013, notice of the \_\_\_\_\_, 2013 public hearing before the  
10 City Council was provided in accordance with applicable law, and during the public hearing all  
11 persons wishing to be heard were heard; and  
12

13 WHEREAS, after considering all testimony and other evidence submitted at or before the  
14 public hearings, the City Council has determined that it is in the best interests of the public  
15 health, safety and general welfare to approve the amendments to the City's Zoning Code as stated  
16 below in this Ordinance;  
17

18 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD,  
19 WASHINGTON, DO ORDAIN AS FOLLOWS:  
20

21 **Section 1.** LMC 21.16.220 is amended to read as follow:  
22

23 **21.16.220 Prohibited signs.**

24 The following signs and outdoor advertising devices are prohibited in all zones unless expressly  
25 permitted by other sections of this chapter:  
26

27 A. Balloons.  
28

29 | ~~B. Banner signs, except for those permitted in LMC 21.16.260 and 21.16.310.~~  
30

31 | ~~C.~~ Pennants.  
32

33 | ~~D.~~ Festoons.  
34

35 | ~~E.~~ Revolving signs and signs with moving parts.  
36

37 | ~~F.~~ Signs with flashing and blinking lights and signs with lights that go on and off sequentially,  
38 except for electronic changing message signs.  
39

40 | ~~G.~~ Portable readerboard signs.  
41

42 | ~~H.~~ Off-premises signs, except for those permitted in LMC 21.16.225, 21.16.260, 21.16.270  
43 and 21.16.290.  
44

1 I. Portable and temporary signs, except for those permitted in LMC 21.16.225, 21.16.260,  
2 21.16.270, 21.16.290 and 21.16.310.

3  
4 J. Signs attached to vehicles that can be seen from the public right-of-way or adjacent property  
5 that do not have a current license or are inoperable.

6  
7 **NEW SECTION. Section 2.** A new section LMC 21.16.255 is added to chapter 21.16 LMC as  
8 follows:

9  
10 **21.16.255 Banners**

11 A. The display of banners, as defined by chapter 21.02 LMC, shall be consistent with the  
12 regulations of the Lynnwood Municipal Code.

13  
14 B. For special events, the display of banners shall conform to the provisions of chapter 5.30  
15 LMC.

16  
17 C. For civic events, the display of banners shall conform to the provisions of LMC 21.16.260.

18  
19 D. The display of construction signs shall conform to the provisions of LMC 21.16.280.

20  
21 E. For all other types of banners, display shall conform to the provisions of this section.

22  
23 F. A banner permit is required for the installation and display of each type of banner authorized  
24 by this section. The fee for a banner permit shall be as specified by chapter 3.104 LMC.

25  
26 G. Banners shall be securely fastened as specified by the permit. Banners shall be maintained in  
27 good condition and shall be free of tears, rips, fading, delamination, detachment, etc. Banners  
28 shall not obscure or obstruct safety and fire protection equipment, appliances or signage.

29  
30 H. Banner for pre-grand opening event.

31  
32 1. For the purposes of this section, a “pre-grand opening event” is a one-time occurrence  
33 associated with new development or significant building expansion/renovation.

34  
35 2. A banner for a pre-grand opening event may be authorized in addition to and displayed  
36 concurrently with a construction sign.

37  
38 3. A banner for a pre-grand opening event shall be removed prior to the issuance of a  
39 certificate of occupancy or certificate of completion.

40  
41 4. A banner for a pre-grand opening event shall not be displayed concurrently with a  
42 banner for a grand-opening event or a periodic event.

43  
44 5. A banner for a pre-grand opening event shall conform to the provisions of Table  
45 21.16.255I

1  
2 **I. Banner for grand-opening event.**  
3

4 1. For the purposes of this section, a “grand-opening event” is a one-time occurrence  
5 associated with an event such as issuance of a new business license, business relocation,  
6 issuance of a new certificate of occupancy, a change in ownership, significant building  
7 expansion or renovation, etc.

8  
9 2. A banner for a grand-opening event shall not be displayed concurrently with a banner  
10 for a pre-grand opening event or a periodic event.

11  
12 3. In conjunction with a permit for a grand-opening banner, the Community  
13 Development Director may also authorize a banner upon an existing freestanding sign  
14 cabinet for the purpose of identifying a temporary business or use. The purpose is to  
15 allow a temporary business or occupancy to utilize the freestanding sign area associated  
16 with that building floor area. Such banner shall be designed to match the size and  
17 proportions of the existing freestanding sign area or cabinet, and may be displayed during  
18 the time allowed for the grand-opening banner.

19  
20 **J. Additional provisions for a banner for a pre-grand opening event and grand-opening event are**  
21 **as specified by Table 21.16.255J.**  
22

23 **Table 21.16.255J**  
24

<b><u>Banner for Pre-Grand Opening Event and Grand Opening Event</u></b>	<b><u>Commercial Use</u></b>	<b><u>Public, Institutional, or Non-profit Use</u></b>	<b><u>Multiple-family Residential Use</u></b>
<u>1. Pre-grand opening event</u>			
<u>a. One-time banner</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>b. Maximum duration of banner (consecutive days)</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>2. Grand-opening event</u>			
<u>a. One-time banner</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>b. Maximum duration of banner (consecutive days)</u>	<u>45</u>	<u>45</u>	<u>45</u>
<u>3. Maximum number of banners</u>	<u>1 per occupancy’s street frontage</u>	<u>1 per occupancy’s street frontage</u>	<u>1 per occupancy’s street frontage</u>
<u>4. Permitted location (unless otherwise authorized)</u>	<u>On building, at business occupancy</u>	<u>On building</u>	<u>On building</u>
<u>5. Maximum size of banner (based upon floor area of occupancy)</u>			
<u>a. 0 – 15,000 sq. ft.</u>	<u>32 sq. ft.</u>	<u>32 sq. ft.</u>	<u>32 sq. ft.</u>
<u>b. 15,001 – 30,000 sq. ft.</u>	<u>48 sq. ft.</u>	<u>48 sq. ft.</u>	<u>40 sq. ft.</u>
<u>c. 30,001 – 60,000 sq. ft.</u>	<u>60 sq. ft.</u>	<u>60 sq. ft.</u>	<u>60 sq. ft.</u>
<u>d. Greater than 60,000 sq. ft.</u>	<u>72 sq. ft.</u>	<u>72 sq. ft.</u>	<u>72 sq. ft.</u>
<u>e. Minimum interval between</u>	<u>30</u>	<u>30</u>	<u>=</u>

<u>displays (applies to grand-opening banners and all periodic displays)</u>			
--	--	--	--

**K. Banner for periodic event.**

1. For the purposes of this section, a “periodic event”, is a unique occurrence of limited duration that is not a special event as defined by chapter 5.30 LMC. A periodic event may be associated with and limited to a single occupancy, or a group of occupancies.

2. Additional provisions for a banner for a periodic event are as specified by Table 21.16.255K.

**Table 21.16.255K**

<b><u>Banner For Periodic Event</u></b>	<b><u>Commercial Use</u></b>	<b><u>Public, Institutional, or Non-Profit Use</u></b>	<b><u>Multiple-family Residential Use</u></b>
<u>1. Periodic event</u>	<u>Permitted</u>	<u>Permitted</u>	<u>-</u>
<u>a. Maximum number of events per calendar year</u>	<u>2</u>	<u>2</u>	<u>-</u>
<u>b. Maximum duration of banner (consecutive days)</u>	<u>30</u>	<u>30</u>	<u>-</u>
<u>2. Maximum size of banner (based upon floor area of occupancy)</u>			
<u>a. 0 – 15,000 sq. ft.</u>	<u>32 sq. ft.</u>	<u>32 sq. ft.</u>	<u>32 sq. ft.</u>
<u>b. 15,001 – 30,000 sq. ft.</u>	<u>48 sq. ft.</u>	<u>48 sq. ft.</u>	<u>40 sq. ft.</u>
<u>c. 30,001 – 60,000 sq. ft.</u>	<u>60 sq. ft.</u>	<u>60 sq. ft.</u>	<u>60 sq. ft.</u>
<u>d. Greater than 60,000 sq. ft.</u>	<u>72 sq. ft.</u>	<u>72 sq. ft.</u>	<u>72 sq. ft.</u>
<u>3. Maximum number of banners</u>	<u>1 per occupancy’s street frontage</u>	<u>1 per occupancy’s street frontage</u>	<u>1 per occupancy’s street frontage</u>
<u>4. Minimum interval between pre-grand opening event or grand-opening event and periodic event (consecutive days)</u>	<u>30</u>	<u>30</u>	<u>-</u>
<u>5. Minimum interval between periodic events (consecutive days)</u>	<u>30</u>	<u>30</u>	<u>-</u>
<u>6. Permitted location (unless otherwise authorized)</u>	<u>On building, at business occupancy</u>	<u>On building</u>	<u>On building</u>

**Section 3.** LMC 21.16.310 is amended to read as follows:

**21.16.310 Commercial signs.**

This section concerns business signs, and applies in all commercial zones except the planned regional shopping center zone. Only those signs which do not conflict with regulations contained in this and other Lynnwood Municipal Code titles, and which are consistent with the definition of

1 a business sign in LMC 21.02.672, are permitted subject to the following standards. The word  
2 “street,” as it appears in this section, shall not include I-5, I-405, SR-525 or the Snohomish  
3 County PUD right-of-way.

4  
5 A. Freestanding Signs.

6  
7 1. Pole Signs.

8  
9 a. Area. The total allowable sign area for pole signs on individual and multiple  
10 business sites that qualify for one pole sign shall be 75 square feet plus one-half  
11 foot for each lineal foot of street frontage over 250 feet. Any one pole sign shall  
12 be no more than 150 square feet in area per side.

13  
14 On business sites which qualify for more than one pole or monument sign, per  
15 subsection (B) of this section, the total allowable sign area per street frontage shall  
16 be calculated at 75 square feet plus one-half square foot for each lineal foot over  
17 250 feet. No pole sign face shall exceed 155 square feet in area. On business  
18 sites with both pole and monument signs, the total area of such signs oriented  
19 toward a particular street shall not exceed the maximum sign area based on that  
20 street’s linear frontage, except on multiple business sites and sites with pole signs  
21 at least 50 feet from the street. See subsection (A)(2) of this section for  
22 calculation of monument sign area. The allowable sign area shall be computed  
23 separately for each street frontage, and only the sign area derived from the street  
24 frontage along a street may be oriented toward that street. The allowable sign area  
25 for a pole sign located at a corner shall be derived from the one street frontage it is  
26 oriented toward. Only one face of a double-faced sign shall be considered in  
27 computing its area, providing both sides pertain to the same business.

28  
29 i. Additional Area for Multiple Business Sites. Multiple business sites  
30 shall be allowed an additional 20 square feet of freestanding sign area for  
31 each business in excess of one up to a total of 80 square feet of additional  
32 pole sign area per multiple business site. Such additional sign area shall  
33 not be used to increase the sign area of any business beyond that amount  
34 which would be allowed if located in an individual business site of the  
35 same size as the multiple business site. Sign structures containing this  
36 additional sign area shall be constructed in such a way to be easily  
37 modified to reflect changes in the number of tenants on the site. Any  
38 multiple business site which is at least 150,000 square feet in lot area and  
39 contains at least 10 separate businesses shall be allowed one additional  
40 freestanding sign for identification of the site generally. Such signs shall  
41 not exceed 160 square feet in area.

42  
43 ii. Additional Area for Pole Signs at Least 50 Feet from a Street. For all  
44 pole signs located at least 50 feet from a street, sign area may be increased

1 five percent for each 10 feet the sign is from the street, up to a maximum  
2 of 200 square feet of total sign area per sign.

3  
4 b. Number of Pole Signs. Along each public street abutting an individual or  
5 multiple business site, that site may have one permanently installed pole sign per  
6 the following schedule. However, on corner sites where two pole signs would be  
7 spaced less than 250 feet apart as measured in a straight line, only one sign shall  
8 be allowed.  
9

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

10  
11 On sites with less than 300 lineal feet of street frontage on one street or corner  
12 sites where two signs would be less than 250 feet apart as measured in a straight  
13 line, additional pole signs may be allowed by conditional use permit; provided,  
14 that such signs are in keeping with the intent of this title.  
15

16 Whenever a conditional use permit for additional pole signs is considered, the  
17 hearing examiner may require that the height, area, and/or specific dimensions of  
18 signs be reduced and/or the setback from property lines be increased.  
19

20 Sites which qualify for additional pole signs may substitute ground signs for those  
21 additional pole signs.  
22

23 c. Location, Height and Design Criteria for Pole Signs.  
24

25 i. Location. The setback for pole signs along public streets shall be as  
26 provided below:  
27

28 (A) Pole signs shall be located more than 35 feet from the street  
29 right-of-way.  
30

31 (B) Pole signs shall be located at least 100 feet from adjacent I-5,  
32 I-405, and SR-525 boundaries. Pole signs shall be located at least  
33 100 feet from the Snohomish County PUD right-of-way where it is  
34 adjacent to I-5. This requirement does not apply to signs located  
35 adjacent to freeway on-ramps and off-ramps. Pole signs shall be  
36 located at least 10 feet from any side or rear property line and 25  
37 feet from any property line adjacent to a residential zone.  
38

39 These limitations do not apply to non-illuminated private traffic direction signs  
40 directing traffic movement within a business site, not exceeding four square feet

1 in area for each sign, or traffic directions painted on the surface of a parking lot or  
2 driveway.

3  
4 ii. Height. Pole signs shall comply with the height regulation for  
5 monument signs depending on their distance from the street up to a  
6 maximum of 25 feet in height above the average ground level at the base  
7 of the sign for all commercial zones. Pole signs may be 30 feet high if  
8 located within 500 feet of I-5, I-405 or SR-525 boundaries and at least 100  
9 feet from a public street. However, pole signs shall not be higher than 20  
10 feet on property separated from the above freeways by a public street. The  
11 height of signs may be further limited by the maximum height for  
12 buildings specified in the respective zone. When signs are located on sites  
13 within 100 feet of residential-zoned property, illuminated sections of the  
14 sign shall not exceed 20 feet in height if visible from those properties.

15  
16 iii. Design Criteria. Pole signs shall meet the following design criteria  
17 and criteria indicated on Figure 3 of this chapter:

18  
19 (A) The sign exterior shall consist of materials and colors that  
20 minimize reflection capabilities and are similar and complementary  
21 to those of the primary buildings on the property where the sign is  
22 located. The sign and support or base shall be constructed of  
23 materials that are easily maintained and maintain their shape, color,  
24 texture and appearance over time.

25  
26 (B) The design of the sign and base or support shall be similar and  
27 complementary with the architecture of the primary buildings on  
28 the property where the sign is located.

29  
30 (C) The sign base shall be surrounded by a single landscape area  
31 that is at least two feet wide between the sign base and raise curb  
32 that surrounds and protects the landscape area. The landscape area  
33 shall include evergreen plant material and may also include other  
34 materials, such as brick pavers or decorative planters.

35  
36 2. Monument Signs.

37  
38 a. Area. Maximum monument sign area shall be 35 square feet at the minimum  
39 setback from the street right-of-way and an additional 2.0 square feet for each one  
40 foot back from the minimum setback line measured perpendicular to the street, up  
41 to a maximum of 75 square feet per side.

42  
43 b. Number of Monument Signs. The total number of monument, ground and pole  
44 signs on a business site shall not exceed the maximum number of pole signs  
45 allowed by subsection (A)(1)(b) of this section.

1  
2 c. Location, Height and Design Criteria for Monument Signs.  
3

4 i. Location. The leading edge of monument signs shall be located at least  
5 10 feet from the street right-of-way; at least 10 feet from any side property  
6 line and at least 25 feet from any property line adjacent to a residential  
7 zone.  
8

9 Monument signs shall be located at least 100 feet from adjacent I-5, I-405  
10 and SR-525 boundaries. Monument signs shall be located at least 100 feet  
11 from the Snohomish County PUD right-of-way where it is adjacent to I-5.  
12 This requirement does not apply to signs located adjacent to freeway on-  
13 ramps and off-ramps.  
14

15 Monument signs shall not be located within a triangular area at street  
16 intersections or street and driveway intersections formed by two points  
17 measuring 20 feet back from the point where the two street right-of-way  
18 lines merge or a street right-of-way line and edge of driveway merge and  
19 extending a line that connects these two points to complete the triangle.  
20 (See Figure 4 of this chapter.)  
21

22 ii. Height. Monument signs shall be no more than 6.5 feet high at the  
23 minimum setback from the street right-of-way and one additional foot in  
24 height for each 1.5 feet back in a perpendicular line from the street. The  
25 maximum height for monument signs shall be 25 feet for all commercial  
26 zones. Monument signs may be 30 feet high if located within 500 feet of  
27 I-5, I-405, SR-525 boundaries and at least 100 feet from a public street.  
28 However, monument signs shall not be higher than 25 feet on property  
29 separated from the above freeways by a public street. When signs are  
30 located on sites within 100 feet of residential-zoned property, illuminated  
31 sections shall be no more than 20 feet in height if visible from those  
32 properties.  
33

34 iii. Design Criteria. Monument signs shall meet the following design  
35 criteria and criteria shown on Figure 5 of this chapter:  
36

37 (A) The sign shall be located so it does not interfere with the  
38 visibility of drivers, pedestrians, bicyclists riders or others at  
39 intersections, driveways, bike lanes, crosswalks, or other places of  
40 ingress or egress.  
41

42 (B) The sign exterior shall consist of materials and colors that  
43 minimize reflection capabilities and are similar and complementary  
44 to those of the primary buildings on the property where the sign is  
45 located. The sign and support or base shall be constructed of

1 materials that are easily maintained and maintain their shape, color,  
2 texture and appearance over time.

3  
4 (C) The design of the sign and base or support shall be similar and  
5 complementary with the architecture of the primary buildings on  
6 the property where the sign is located.

7  
8 (D) The sign base shall be surrounded by a single landscape area  
9 that is at least two feet wide between the sign base and raise curb  
10 that surrounds and protects the landscape area. The landscape area  
11 shall include evergreen plant material and may also include other  
12 materials, such as brick pavers or decorative planters.

13  
14 3. Ground Signs. The total number of ground, monument and pole signs on a business  
15 site shall not exceed the maximum number of pole signs allowed by subsection (A)(1)(b)  
16 of this section. However, one additional ground sign may be allowed to identify a  
17 business parking area that is not adjacent to the business site where the business is located  
18 and one additional ground sign may be allowed to identify an access driveway to a street  
19 not adjacent to the business site where the business is located.

20  
21 All ground signs shall be subject to the following criteria:

- 22  
23 a. The sign is located to minimize interference with drivers' or others' visibility  
24 in intersection or at place of ingress or egress;
- 25  
26 b. The sign has no moving parts;
- 27  
28 c. The sign consists of materials and colors which minimize reflection  
29 capabilities;
- 30  
31 d. The sign components are securely attached to the sign structure and not  
32 temporary or removable;
- 33  
34 e. The sign shall not be internally illuminated, except for an individual letter sign  
35 or a sign with an opaque sign face background that only allows letters and/or  
36 business logos or graphics to be visible at night. Indirect lighting, if used, shall be  
37 uncolored, nonblinking, and directed away from traffic;
- 38  
39 f. The sign shall have a solid base that is not less than three-quarters of the width  
40 of the sign face;
- 41  
42 g. The sign shall be no more than 25 square feet in area;
- 43  
44 h. The sign shall be located at least five feet from the street right-of-way;
- 45

1 i. The sign shall be no higher than 3.5 feet above the adjacent sidewalk or street  
2 curb;

3  
4 j. The sign exterior shall consist of materials and colors that are similar and  
5 complementary to those of the primary buildings on the business site. The sign  
6 and base shall be constructed of materials that are easily maintained and maintain  
7 their shape, color, texture and appearance over time; and  
8

9 k. The sign may be permanently attached to retaining walls and fences; however,  
10 such walls and fences shall be at least five feet from the street right-of-way.  
11

12 Such signs may be located closer than five feet from the street right-of-way by  
13 conditional use permit, if it is found necessary or desirable in the public interest to  
14 locate the sign nearer to the right-of-way, and that it will not interfere with  
15 visibility as indicated above.  
16

## 17 B. Building Signs.

### 18 1. Wall Signs.

19  
20  
21 a. Area. The total allowable sign area for each business for signs attached to a  
22 building frontage including mural signs shall be 60 square feet, or one square foot  
23 for each lineal foot of building frontage, whichever is greater, up to a maximum of  
24 200 square feet. However, wall signs that comply with the Sign Design –  
25 Creative/Artistic Elements Guidelines of the Lynnwood Citywide Design  
26 Guidelines, as adopted by reference in LMC 21.25.145(B)(3), may be allowed up  
27 to a 30 percent increase in wall sign area. Businesses may have up to 10 square  
28 feet of sign area to place on a directory sign on any facade of the building where  
29 they are located, except in no case shall the maximum sign area exceed 15 percent  
30 of a building facade considered building frontage. See Figure 2 of this chapter and  
31 LMC 21.02.358 to determine building frontage.  
32

33 On other building facades not considered frontage, the maximum sign area shall  
34 be one-half square foot for each lineal foot of building facade or 100 square feet,  
35 whichever is smaller. Wall signs on building facades that are oriented toward  
36 adjacent property zoned residential shall not be illuminated.  
37

38 The allowable sign area shall be computed separately for each building facade.  
39 Sign area shall not be transferred from one facade to another. Only one face of a  
40 double-face sign shall be considered in computing its area, providing both sides  
41 pertain to the same business. For purposes of determining sign area, awning signs  
42 are part of the sign area allowed for signs attached to buildings.  
43

44 b. Height. Wall signs shall not extend higher than one foot above the wall to  
45 which they are attached.

1  
2 c. Transfer of Allowed Area from Freestanding Signs to Signs Attached to  
3 Buildings. Freestanding sign area may be applied to signs attached to buildings  
4 provided, however, that such area be apportioned equally to all tenants and shall  
5 only be transferred to a building frontage. A record of any such transfer must be  
6 filed with the planning department. The maximum wall sign area per building  
7 facade with transfer shall be 400 square feet or 10 percent of the building frontage  
8 area to which the sign is attached, whichever is smaller.  
9

10 2. Projecting, Marquee, and Nonrigid Awning Signs. Projecting signs shall not extend  
11 above the wall to which they are attached. Marquee signs shall not extend higher than the  
12 wall to which they are attached. Nonrigid awning signs shall not extend higher than the  
13 wall to which they are attached.  
14

15 Projecting and marquee signs and nonrigid awnings shall be at least eight feet above any  
16 walkway and 16 feet above any area used by vehicular traffic. However, nonrigid  
17 awnings with signs may be placed at the top of garage bay doors unless contact by  
18 vehicular traffic is possible. Projecting signs on business sites shall not extend into the  
19 public right-of-way or adjacent property. Marquee signs shall not block windows or  
20 doorways. The area for projecting, marquee and nonrigid awning signs shall come out of  
21 the sign area allocation for the building facade they are attached to. Nonrigid awning  
22 signs shall have a maximum dimension of four feet from top to bottom. The sign area for  
23 nonrigid awning signs shall be the entire area of any nonrigid awning that projects less  
24 than three feet from a building. The sign area for all other nonrigid awning signs shall be  
25 the rectangular area around letters and/or graphics displayed on the nonrigid awning. (See  
26 Figure 1.) Projecting and marquee signs may be illuminated; however, they shall not be  
27 illuminated if oriented toward adjacent residential-zoned property.  
28

29 3. Roof Signs. The planning director may approve the placement of one roof sign per  
30 building if it is determined that such a sign is necessary because permitted wall signs  
31 cannot be placed so as to be readable from the street closest to the building. Any roof  
32 sign approved by the planning director may only be mounted on any building if it  
33 complies with the building code or other city regulations. A roof sign shall not be higher  
34 than 10 feet above the roof deck and shall be subject to the placement and design criteria  
35 described on Figure 6 of this chapter. The area of a roof sign shall come out of the sign  
36 area allocation for building facade closest to the sign.  
37

38 When roof signs are located on sites which have street frontage within 100 feet of  
39 residential-zoned property, illuminated sections shall not exceed 20 feet in height from  
40 the ground if visible from those properties.  
41

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

1 business shall be located on a business site. Incidental signs less than three square feet in area  
2 shall not be counted as one of the four allowable signs or as part of the allowable sign area.

3  
4 D. Electronic Changing Message Signs. No sign shall have blinking or flashing lights; provided,  
5 however, electronically changing message signs shall be allowed. These signs shall not change  
6 displays or images at a rate less than one every five seconds except for signs which provide  
7 alternate messages only as to times and temperature, which may change at a rate of not less than  
8 one message every two seconds. All such signs shall be equipped with a device which  
9 automatically dims the intensity of the lights during hours of darkness.

10  
11 E. Internal Information Signs. Signs intended to be seen by the public within a business site,  
12 oriented away from the street and not readable from the public right-of-way and adjacent  
13 property shall not be regulated as signs. Such signs shall include but are not limited to internal  
14 directory signs, certain incidental signs and menu boards.

15  
16 F. Portable Business Signs. Portable signs shall only be allowed within eight feet of any  
17 building where a business is located. There is no limitation on the number of such signs.  
18 However, these signs shall not be placed in the ground, on walkways, in parking areas, drive  
19 aisles, or anywhere that might block visibility or create a safety hazard.

20  
21 G. ~~Temporary Commercial-Special Event Signs. Certain signs that are otherwise prohibited may~~  
22 ~~be used for temporary commercial events. These events include any fair, show, festival,~~  
23 ~~exhibition, party, rodeo, animal show, promotion, entertainment, tournament, parking lot sale,~~  
24 ~~street or sidewalk sale, tent sale, street dance or other temporary activity of like character not~~  
25 ~~defined as a carnival, circus or parade and which has been issued a city temporary special event~~  
26 ~~license.~~

27  
28 ~~See Chapter 5.30 LMC for the number and duration of temporary events for which certain~~  
29 ~~prohibited signs may be used. No more than two portable signs a maximum of six square feet~~  
30 ~~per side and two banner signs shall be allowed. No other prohibited signs shall be allowed. Such~~  
31 ~~signs are only allowed for temporary special events in commercial zones. Such signs shall not be~~  
32 ~~placed without a temporary special event license. These signs shall only be placed on the~~  
33 ~~property where the temporary event is to occur and only during the temporary event. These signs~~  
34 ~~shall not be placed in the ground, on walkways, in parking areas, drive aisles, or anywhere that~~  
35 ~~creates a safety hazard.~~ Signs for special events as defined by chapter 5.30 LMC shall conform to  
36 the provisions of that chapter. Signs for temporary activities or occurrences not regulated as a  
37 special event shall conform to the provisions of this chapter.

38  
39 H. Searchlights. Searchlights shall only be permitted if they meet the following criteria:

- 40  
41 1. That the duration of time for display of the searchlight shall not be more than 10 days;  
42  
43 2. That no permit for display of a searchlight shall have been approved for the same  
44 applicant during the six-month period prior to the most recent application;  
45

1 3. That the searchlight be so located as to minimize interference of driver visibility at  
2 intersections or at points of ingress and egress;

3  
4 4. That the searchlight be located 35 or more feet from the right-of-way; and directed  
5 away from traffic on nearby streets;

6  
7 5. The intensity and color of light and the duration of its operation shall not constitute a  
8 nuisance as defined in LMC 10.08.200; and

9  
10 6. That a fee as shown in Chapter 3.104 LMC shall be paid in connection with any such  
11 permit.

12  
13 I. Real Estate Signs. Signs advertising the sale, lease or rental of commercially zoned property  
14 on which the sign is located shall require a temporary sign permit. Such signs shall not be  
15 permitted unless a property, building(s) and/or tenant space(s) is for sale, lease or rent. Each  
16 such sign shall not exceed 24 square feet in area, and if freestanding, shall be set back at least six  
17 feet from the street right-of-way. Such signs shall not be placed where they can obstruct driver,  
18 bicyclist or pedestrian visibility. There shall be no more than one such sign per street corner or  
19 one per street frontage, whichever is less. Such signs shall be no more than 6.5 feet in height,  
20 shall not be illuminated and shall be removed once the property and/or buildings being advertised  
21 are sold, leased or rented. In addition, any such nonconforming sign shall require a permit and be  
22 made conforming by October 9, 2000.

23  
24 J. Construction Signs. Construction signs for commercially zoned property shall comply with  
25 the regulations of LMC 21.16.280.

26  
27 K. Signs in Restricted Business Zone. Signs shall comply with the following:

28  
29 1. No roof signs shall be allowed;

30  
31 2. No freestanding signs shall be allowed, except ground signs in accordance with the  
32 regulations of this section; and

33  
34 3. Building signs shall comply with the regulations of this section. All building signs  
35 shall be non-internally illuminated, except for individual letter signs and signs with  
36 opaque sign face backgrounds that only allow letters and/or business logos or graphics to  
37 be visible at night. Signs on buildings facades oriented toward nearby residential zones  
38 shall not be illuminated.

39  
40 L. Signs in the East 196th PCD Overlay.

41  
42 1. Signs.

43  
44 a. Objectives.

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

11  
12 b. Regulations. Signs shall be subject to the following:

13  
14 i. No more than one freestanding sign per business site per street frontage;

15  
16 ii. Sign area, location, height and design shall comply with the regulations  
17 of this section;

18  
19 iii. Signs shall comply with the illumination regulations of this chapter;

20  
21 iv. New pole or monument signs shall require a special use permit;  
22 however, new ground signs and building signs shall not require a special  
23 use permit;

24  
25 v. Modification of existing signs that are part of a previously approved  
26 special use permit shall be subject to the regulations of LMC 1.35.180.  
27

28 M. Sign Variances. Requests to relax standards of this section shall be processed as variances  
29 and shall meet all the criteria for granting of variances, unless otherwise provided for. In  
30 considering any application for a variance to relax the required setback for pole or monument  
31 signs, the hearing examiner shall take into account the following factors and all others in the  
32 public interest in determining whether special circumstances exist which warrant a variance:  
33

34 1. The extent to which vegetation and/or topography of the subject and/or adjacent  
35 properties would obscure a pole sign at the required setback on the subject property;  
36 provided, that removal of the obstructing vegetation and/or topography is beyond the  
37 control of the owner of the subject property or contrary to city policies or ordinances.  
38

39 2. The size of the subject property as it relates to possible locations for the proposed sign.  
40

41 3. The extent to which nearby existing pole or monument signs located at less than the  
42 required setback would obscure a pole sign at the required setback on the subject  
43 property.  
44

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

5 5. The width, alignment, and extent of improvement of the right-of-way toward which  
6 the proposed sign would be oriented, insofar as this determines the angle at which the  
7 sign would be viewed by the traveling public.  
8

9 If the hearing examiner determines that a variance to relax a pole or monument sign  
10 setback is warranted, the examiner may require periodic review of any reduction granted  
11 and/or provisions for eventual relocation to the required setback if existing and  
12 anticipated future conditions so indicate. If provisions for relocation appear appropriate,  
13 the examiner may require installation of wiring and a foundation at the required setback  
14 concurrent with erection of the sign at a lesser setback and a bond or other suitable  
15 guarantee of relocation.  
16

17 Section 4: Table 3.104.010, Title 16: Building, Electrical and Grading Fees – Commercial and  
18 Multifamily Plumbing and Mechanical Fees, is amended as provided by Exhibit A to this  
19 Ordinance.  
20

21 Section 5: Effective Date of Amendment and Adoption. This ordinance shall become effective  
22 five days following passage and publication of this ordinance.  
23

24 Section 6: Severability. If any section, subsection, sentence, clause, phrase or word of this  
25 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
26 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of  
27 any other section, subsection, sentence, clause, phrase or word of this ordinance.  
28

29 Section 7: Summary Publication. Publication of this ordinance shall be by summary publication  
30 consisting of the ordinance title.  
31

32 PASSED this \_\_\_ day of \_\_\_\_\_, 2013, and signed in authentication of its passage  
33 this \_\_\_ day of \_\_\_\_\_, 2013.

34  
35 APPROVED:  
36  
37

38 \_\_\_\_\_  
39 Don Gough, MAYOR  
40  
41

42 ATTEST/AUTHENTICATED:  
43  
44  
45 \_\_\_\_\_

1 Lorenzo Hines  
2 FINANCE DIRECTOR,

3  
4 APPROVED AS TO FORM:

5  
6  
7 \_\_\_\_\_  
8 Rosemary Larson  
9 CITY ATTORNEY

10  
11  
12 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

13 PASSED BY THE CITY COUNCIL: \_\_\_\_\_

14 PUBLISHED: \_\_\_\_\_

15 EFFECTIVE DATE: \_\_\_\_\_

16 ORDINANCE NUMBER: \_\_\_\_\_

17  
18 File Name: Banner Code Amendment

19 File Number: 2013CAM0002

20  
21

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, RELATING TO THE DISPLAY OF BANNERS, AMENDING LMC 21.16.220, LMC 21.16.310 AND LMC 3.104.010, ADDING A NEW SECTION TO CHAPTER 21.16 LMC, 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

## Exhibit A

<b>Title 16: Building, Electrical and Grading Fees – Commercial and Multifamily Plumbing and Mechanical Fees</b>		
<b>Building permits</b>		
Total valuation equal to:		
\$0 – \$1,000	up to \$1,000	53.00
\$1,001 – \$2,000	first \$1,000, plus	53.00
	for each additional \$100.00 or fraction thereof, up to and including \$2,000	4.00
\$2,001 – \$25,000	first \$2,000, plus	93.00
	for each additional \$1,000 or fraction thereof, up to and including \$25,000	17.00
\$25,000.01 – \$50,000	first \$25,000, plus	484.00
	for each additional \$1,000 or fraction thereof, up to and including \$50,000	12.00
\$50,000.01 – \$100,000	first \$50,000, plus	784.00
	for each additional \$1,000 or fraction thereof, up to and including \$100,000	8.00
\$100,001 – \$500,000	first \$100,000, plus	1,184.00
	for each additional \$1,000 or fraction thereof, up to and including \$500,000	7.00
\$500,001 – \$1,000,000	first \$500,000, plus	3,984.00
	for each additional \$1,000 or fraction thereof, up to and including \$1,000,000	6.00
\$1,000,001 – \$5,000,000	first \$1,000,000, plus	6,984.00
	for each additional \$1,000 or fraction thereof, up to and including \$5,000,000	4.00
\$5,000,001 and up	first \$5,000,000, plus	22,984.00
	for each additional \$1,000	3.00
<b>Building permits – Other inspections and fees</b>		
Demolition, commercial/multifamily	10% of the value of the demolition	
Demolition, single-family	primary building	180.00

	accessory building or structure	90.00
Inspection, minimum for occupancy change		162.00
Inspection, minimum site	including adult family homes	162.00
Inspection, miscellaneous/other		110.00
Inspection, overtime – Weekday call back	hourly, two-hour minimum charge*	110.00
Inspection, overtime – Weekend/holiday	hourly, four-hour minimum charge*	110.00
Inspection, reinspection	work concealed without inspection or work not ready at the time of inspection will be charged a reinspection fee	91.00
Investigation, stop work orders	amount equal to permit fee	
Plan review	fee, applies to all permits requiring review, unless listed below	65% of building permit fee
	fee, applies to commercial/multifamily plumbing and mechanical permits requiring review	40% of plumbing/mechanical fees
	hourly, additional review required for changes, additions or revisions to approved plans, minimum one hour*	110.00
	overtime review, hourly, minimum one hour*	110.00
Processing fee	for all permits not requiring plan review	36.00
<u>Banner permit</u>	<u>per occupancy</u>	<u>36.00</u>
Solar system, commercial	fee based on building permit valuation table	
Solar system, single-family	permit fee	200.00
	plan review fee (65%)	130.00
*Or the total hourly cost incurred by the city, whichever is greatest. The actual cost shall include wages, benefits, overhead, supervision, supplies and equipment of the employees involved.		

### Temporary Banners – Examples of Regulations

<b>Jurisdiction</b>	<b>Special Event, Civic and Non-Commercial</b>	<b>Notes</b>	<b>Commercial</b>	<b>Notes</b>
<b>Bothell</b> BMC 12.22.080-95	Onsite noncommercial banner allowed in residential zones. Offsite noncommercial banner prohibited.	Same as commercial.	Onsite commercial banner allowed. Offsite commercial banner prohibited.	1 banner per building. 60 days per year. Maximum size: 50 sq. ft.
<b>Edmonds</b> EMC 20.60.080	Onsite noncommercial banner allowed in residential zone. Offsite banner in residential area prohibited.	1 banner. Maximum size: 6 sq. ft.	Onsite commercial banner allowed. Offsite commercial banner prohibited.	1 banner per building. 60 days per year. Maximum size: 20-30 sq. ft.
<b>Everett</b> Ch. 36.150 EMC	Onsite noncommercial banner for special event allowed.	Same as commercial.	Onsite commercial banner allowed	1 banner per 100 ft. of street frontage per business. Display: 30 days per yr. Maximum size: 32 sq. ft.
<b>Lynnwood</b> LMC 21.16.260 LMC 21.16.310G	Civic banner allowed on city property only.	Special civic event: Banner allowed 3 months prior through 1 week following event. General civic event: Banner allowed 2 weeks prior through 1 week following event.	Onsite commercial banner allowed only with special event permit.	2 banners allowed during special event.
<b>Marysville</b> MMC 22C.160.230	Banner for temporary use of civic property prohibited.		Onsite commercial banner allowed for sale or special event. Onsite commercial banner allowed for grand opening.	May be displayed during commercial sale or special event, “but not on a routine basis”. Display: 60 days per yr.

<b>Jurisdiction</b>	<b>Special Event, Civic and Non-Commercial</b>	<b>Notes</b>	<b>Commercial</b>	<b>Notes</b>
<b>Mill Creek</b> MCMC 17.26.080	Nonprofit or civic banner allowed for special event.	Up to 6 banners per location per year. Display: 14 days prior through 3 days following event.	Onsite commercial banner allowed for sale or special event.  Onsite commercial banner allowed for grand opening. Onsite commercial banner allowed for sale or special event.	One banner. Display: 45 days per yr. Maximum size: 36 sq. ft.  Display: 60 days. Maximum size; 36 sq. ft. Number of banners not specified. Display: 3 10 day periods per yr., with 45 intervening days.
<b>Mountlake Terrace</b> MTMC 19.135.060	Onsite noncommercial banner allowed for special event.	Same as business special event.	Onsite commercial banner allowed for business or multifamily grand opening.  Onsite commercial banner allowed for special event.	Number of banners not specified. Display: 3 weeks.
<b>Mukilteo</b> MMC 17.80.120	Onsite noncommercial banner allowed for special event.  Banner(s) allowed for community event.	Same as commercial special event.  Community event banner provisions determined on case-by-case basis.	Onsite commercial banner allowed for special event.	1 banner. Display: 2 30 consecutive day displays per yr., with 60 intervening days. Maximum size: 45 sq. ft.

**Excerpt – Planning Commission Meeting Minutes  
September 27, 2012**

**2. Discussion – Banners. Discussion of proposed textual code amendments regulating the display of banners**

Deputy Director Loch stated that staff is preparing to update regulations relating to banners. Currently, banners are thoroughly regulated and narrowly allowed. The instances where they are allowed does not seem to be consistent with the interests and requests of businesses. Staff has looked at some other jurisdictions to see what their rules are, compared those with the City of Lynnwood's, and put together some concepts for revision of our banner rules. This is the first public discussion of this item, and staff is soliciting input from the Planning Commission.

Currently there are only two ways to display a banner in the City. One way they are allowed is for city-sponsored events; the other way is for special events. Staff is finding that businesses in town wish to have banners for things that aren't technically special events, but they are compelled to apply for a special event permit in order to have a banner that announces a sale or a grand opening. This doesn't work very well for the City because true special events have significant impacts on the community and the applications are reviewed by virtually every department. This means that the banner applications are being reviewed by all departments which does not appear to be the best use of city resources.

Deputy Director Loch stated that staff is asking if the City should allow banners on an occasional basis, outside of those two ways that you can get them now. If, the answer to that is yes, then, what are the best rules for this city? Staff has prepared a draft for review in an effort to get feedback. He also noted that staff will be looking at the code that applies to special events since that has not been updated in quite some time.

Director Krauss added that one of the issues that recently came up was when Whole Foods wanted to put up a "Now Hiring" banner prior to opening, and the City couldn't let them. He stressed the need to be flexible and to be able to work with people in a reasonable and responsible way.

Commissioner Ambalada added that there are a lot of different ethnic business owners in the city. She agrees that they should be allowed to put up temporary banners saying who they are and what kind of business they have, especially for events such as Cinco de Mayo.

Commissioner Jones spoke in support of banners as a revenue stream for the City, but expressed concern about how many people will be reviewing these permits. He wondered if it would be possible to apply for these permits online to save time for reviewers. Director Krauss said these would be simple over-the-counter type permits. Staff would only need to know where and how they were affixing it. As for online permit issuance, the City wants to get there eventually. People can apply online, but they still

have to come in to actually get them. He commented that this would be much quicker for the applicants since special event permits can take a month to get and include things like a police background check.

Commissioner Braithwaite spoke in support of being a business-friendly city as well as reducing the administrative resources allocated to this sort of thing. He commented that there are lots of ways that people get around the signage code, such as the proliferation of sandwich boards. Director Krauss reviewed the impact of the Blazing Bagels court case. Because of that case, cities had to revise their codes to allow people to put sandwich boards out as long as they don't block the sidewalk. Commissioner Braithwaite used Hobby Lobby as an example of getting around the code and pointed out that they had their grand opening sign up on Highway 99 for seven months. He is in support of streamlining things, but at the same time, too much signage can make the city look trashy. He spoke in support of allowing two banners for 15 days instead of two banners for 30 days. Director Krauss discussed the value of looking at what other cities are doing and what results they are getting.

Commissioner Larsen also spoke in support of allowing banners with some limits. He agrees that they are popular with businesses. They don't cost much to put up, and if they are done well they have a festive element to them. He commented that about a year and a half ago they looked at the sign code related to flashing lights and this seems to relate to that. Director Krauss recalled that they were asked to look at the electronic sign code earlier as well the entire sign code. He spoke to the complexities and controversies surrounding sign codes. Commissioner Larsen noted that the proposal had quite a few parameters. He spoke in support of simplifying it by having just one or two sizes.

Chair Wright asked if temporary signs would be allowed when companies are having buildings constructed or remodeled. Deputy Director Loch said banners would be allowed under the proposed code while the building was under renovation or construction. Director Krauss thought that there currently is a section under the building permit process that allows construction-related signage. Chair Wright pointed out that these types of projects will typically last more than 30 days, and definitely more than 15 days. He stated that while he doesn't care for banners, he understands the need for them.

Commissioner Wojack discussed hypothetical situations. He asked if the grand opening could be an additional event in addition to the two other potential events allowed per business. Director Krauss replied that it could be. Commissioner Wojack asked if permits would be displayed to show that it is a legitimate banner. Director Krauss replied that the Code Enforcement Officer would have access to records on his laptop computer. Commissioner Wojack asked if there are clear limitations and definitions to "grand openings". Director Krauss commented that they could tighten up the language regarding that.

Commissioner Jones referred to the KUBE 93 Haunted House sign on Highway 99 that was up until the new construction started a month ago. He noted that the sign was up for almost two years. He wondered whose responsibility it was to take it down. Director Krauss indicated he would have to look into that specific situation. Commissioner Jones spoke in support of Edmonds regulations which allow 60 days per year. Director Krauss acknowledged there are lots of ways to approach this. Deputy Director Loch noted that in some other jurisdictions they attempted to specify what the special events can be. Lynnwood decided not to try to regulate the types of events, but instead to just limit them to two per year.

Commissioner Ambalada thought that banners should be allowed for special events. She wondered if there are limits to special events. Director Krauss did not think there was a limit to the number of special events, but he thought that they were limited between Thanksgiving and New Year. He pointed out that a special events permit takes a month to get and is not an easy process. Commissioner Ambalada asked about the cheapest way that businesses could get their ethnic identity on a banner. Director Krauss commented that they could apply for a special events permit which costs about \$90.

Chair Wright summarized that there was a general consensus to allow banners on special occasions and some differing opinions about when and how to allow them.

This page intentionally blank.