



# AGENDA

## Lynnwood Planning Commission

### Meeting

Thursday, October 8, 2015 — 7:00 pm

Council Chambers, Lynnwood City Hall  
19100 44<sup>th</sup> Ave. W, Lynnwood, WA 98036

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#### A. CALL TO ORDER – ROLL CALL

#### B. APPROVAL OF MINUTES

1. September 10, 2015 meeting

**C. CITIZEN COMMENTS** – (on matters not scheduled for discussion or public hearing on tonight's agenda) Note: Citizens wishing to offer a comment on a non-hearing agenda item, at the discretion of the Chair, may be invited to speak later in the agenda, during the Commission's discussion of the matter. Citizens wishing to comment on the record on matters scheduled for a public hearing will be invited to do so during the hearing.

#### D. PUBLIC HEARINGS

#### E. WORK SESSION TOPICS

1. Fee-Simple Unit Lot Subdivisions
2. Chapter 21.46 – Commercial Zone Amendments

#### F. OTHER BUSINESS

#### G. COUNCIL LIAISON REPORT

#### H. DIRECTOR'S REPORT

#### I. COMMISSIONERS' COMMENTS

#### J. ADJOURNMENT

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

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**CITY OF LYNNWOOD  
 PLANNING COMMISSION MINUTES  
 September 10, 2015 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Todd Hall, Planning Manager
Chad Braithwaite, Vice Chair	David Mach, Capital Project Engineer
George Hurst, Second Vice Chair	Jeff Elekes, City Engineer
Maria Ambalada	Michele Szafran, Associate Planner
Robert Larsen	Chanda Emery, AICP, Senior Planner
Michael Wojack	
<b>Commissioners Absent:</b>	<b>Other:</b>
Doug Jones	Councilmember Van AuBuchon

**Call to Order**

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

**Approval of Minutes**

**1. Approval of Minutes of the August 13, 2015 Meeting**

*Motion made by Commissioner Braithwaite, seconded by Commissioner Wojack, to approve the minutes as presented. Motion passed unanimously (6-0).*

**Citizen Comments**

None.

**Public Hearing**

**1. Transportation Concurrency Ordinance (Public Works Department)**

Planning Manager Todd Hall introduced David Mach, Jeff Elekes, and the traffic consultant from TSI, Victor Salemann. David Mach gave background on the Transportation Concurrency Ordinance and reviewed improvements staff has made to it. He explained the City is responsible for making sure there are adequate transportation facilities for development as it occurs. The City also has to find an efficient and effective way to track that. Levels of Service range from A to F. Lynnwood has adopted Level of Service (LOS) C for local streets, LOS D for non-City Center arterials, and LOS E for City Center streets. Lynnwood also has a soft concurrency policy which says we will accept 20% of our signalized intersections being below the threshold. This gives a buffer to allow more time to

1 meet goals. The proposed ordinance would allow the City to better administer the  
2 process.

3  
4 Victor Salemann explained the difference between concurrency and impact fees  
5 which has to do with the timing. Impact fees are the developers' financial  
6 obligation to pay into the transportation system so the projects get funded.  
7 Concurrency is about when those projects need to be completed to keep up with  
8 the rate of growth. The risk of not doing this is losing state and federal grant  
9 funding for transportation projects. He reviewed the proposed ordinance as  
10 contained in the Planning Commission's packet.

11  
12 Commissioner Questions:

13  
14 Commissioner Wojack thanked Mr. Salemann for the presentation and the details  
15 in the packet. He asked about the definition of recreational sites. Mr. Salemann  
16 explained those are identified in the 400 Land Use Code and include things like  
17 racquet/tennis clubs, health/fitness clubs, athletic clubs, recreational community  
18 centers, etc. David Mach explained that the ITE code stands for Institute of  
19 Transportation Engineering which is standardized nationwide. Commissioner  
20 Wojack then asked about the timing of the payment of CRC fees and impact  
21 fees. Mr. Salemann explained that the CRC fee would occur at the time of permit  
22 application, but the traffic impact fee is typically collected at the time of building  
23 permit. There is new legislation that requires cities to have a deferral program for  
24 payment of the impact fees under certain circumstances.

25  
26 Commissioner Larsen thanked Mr. Salemann for his presentation. He then asked  
27 about the plan for dealing with the worst performing intersections in the City. Mr.  
28 Salemann replied this process will give the City several years warning about  
29 when and where those are coming up. He stated that if there is a problem  
30 intersection they either need to increase the capacity of that intersection or  
31 provide capacity somewhere else to redirect traffic and lower the load there. The  
32 arrival of light rail transit in the next several years will shift some traffic around.  
33 The traffic modeling system will help identify and address problematic areas as  
34 well. If too many intersections begin to fail, they need to start looking at land use.  
35 David Mach commented that 196<sup>th</sup> and 44<sup>th</sup> is the worst intersection right now.

36  
37 Commissioner Braithwaite referred to LMC 12.22.050 which says the director has  
38 the discretion to require a traffic study. If they don't require a traffic study he  
39 asked who determines the trips. Mr. Salemann said the developer will provide a  
40 project description, and a consultant will do the concurrency tests and determine  
41 the final trip generation. Staff also does that at the impact fee stage.

42 Commissioner Braithwaite asked if the fee is intended to cover administrative  
43 costs. Mr. Mach replied they would put it in a fund to use for consultants. Staff  
44 time is generally charged out of the General Fund. Commissioner Braithwaite  
45 asked about the process for amending the fee and suggested allowing the fee to  
46 be updated periodically without having to go through the amendment process.

1 Mr. Mach thought that was a good point. He explained that right now it is an  
2 exhibit in ordinance, but there is a section that says that as the ordinance is  
3 adopted the exhibit will go into the fee section with the remainder of the fees that  
4 the City charges. As the City updates those fees there will be an opportunity to  
5 update this fee too. Commissioner Braithwaite asked if this process will provide  
6 any information regarding the sufficiency of the traffic impact fees the City is  
7 charging. Mr. Mach replied that it will in a roundabout way. He reviewed how the  
8 fees are determined based on a list of necessary projects with the expectation  
9 that growth would pay about 50% of the cost of growth. The concurrency work  
10 will allow the City to look at and prioritize transportation projects to include in the  
11 impact fee calculations.

12  
13 Commissioner Ambalada said she is looking forward to setting a standard for  
14 concurrency development. She asked if staff thinks the City can meet the  
15 concurrency standards given the budget situation. She would like to look at the  
16 fee calculations again. Mr. Mach stated staff will run the model again next spring  
17 and provide updated information and recommendations. Right now there are  
18 already projects on the books which need to be implemented. Those are the  
19 projects providing the capacity for the current growth occurring. Commissioner  
20 Ambalada asked if the standard will be concurrency for existing projects such as  
21 Costco. Mr. Mach replied it is net new development so any development  
22 application that occurs after the concurrency component goes into effect has to  
23 pay the fee and have the analytics done associated with that. Additionally, the  
24 analytics have been done as a baseline for the entire city and all current growth  
25 or initially planned growth.

26  
27 Public Testimony:

28  
29 Chair Wright opened the public hearing at 7:39 p.m. and solicited public  
30 testimony. Seeing none, the hearing was closed at 7:39 p.m.

31  
32 Commissioner Comments:

33  
34 Commissioner Larsen stated he was comfortable with the Transportation  
35 Concurrency Draft Ordinance as presented.

36  
37 Chair Wright commented that the ordinance is well written and well put together,  
38 but suggested a different font for readability.

39  
40 Commissioner Braithwaite expressed concern about the adequacy of the impact  
41 fees and spoke in support of the notion that development should pay for  
42 development as opposed to the rest of the community funding the traffic impacts  
43 of new development.

44

1 *Motion made by Commissioner Braithwaite, seconded by Commissioner Hurst, to*  
2 *forward the Transportation Concurrency Ordinance to City Council with a*  
3 *recommendation for approval. Motion passed unanimously (6-0).*  
4

5 **2. Title 19 – Zoning Code Amendment – Square Footage Computation**  
6 **of Panhandle Access Area (Flag Lots) (CAM – 002875-2015)**  
7

8 Michele Szafran presented the proposed code amendment to allow greater  
9 flexibility with regard to the computation of a panhandle lot for access easement  
10 when serving no more than one additional lot from a right of way. She pointed out  
11 that a letter was submitted by Jennifer Anderson on behalf of the Master Builders  
12 Association which was distributed to the Planning Commission. The proposed  
13 code amendment was initiated by the Master Builders Association of King and  
14 Snohomish counties. Two work sessions have been held on this topic. Currently  
15 Lynnwood Municipal Code prohibits the square footage of land contained in a  
16 panhandle and/or private access easements from being counted towards the  
17 minimum lot area leaving limited flexibility for obtaining the minimum lot size and  
18 allowing for an increase in single family homes. Staff has compiled findings of  
19 how nearby jurisdictions address the issue in a comparison chart on page 43 and  
20 44. Kirkland, Edmonds, and Bothell allow the computation for one additional  
21 user. Kenmore does not allow the area to be computed. Mukilteo allows it as long  
22 as it's private access. Shoreline allows it as long as a buildable site is provided  
23 outside of the easement area. The majority of the cities allow for the area to be  
24 calculated when the access area is being utilized for one lot rather than multiple  
25 lots. Staff has drafted the proposal to allow only one additional lot that is served  
26 from the right of way. Ms. Szafran reviewed current short plat examples and  
27 noted the City allows for easements to access rear lots, but currently developers  
28 have to deduct the easement portion from the overall square footage.  
29

30 Commissioner Questions:

31  
32 Commissioner Hurst referred to the map showing lots over 16,800 square feet  
33 and asked if there was more specific information about the number of lots that  
34 would be affected by this change. Ms. Szafran said staff did not have that  
35 information.  
36

37 Commissioner Braithwaite asked when lot size averaging would be applicable.  
38 Ms. Szafran stated staff wanted to make sure that it was considered in  
39 conjunction with allowing the panhandle to be used.  
40

41 Commissioner Larsen asked if lot size averaging would result in both lots  
42 meeting the zoning code for that location. Ms. Szafran replied it would.  
43

44 Public Testimony:  
45

1 Chair Wright opened the public testimony portion of the hearing at 7:57 p.m. and  
2 solicited comments.

3  
4 Patrick Crosby, Crosby Homes, Inc., 2905 – 170<sup>th</sup> Street SW, Lynnwood, WA  
5 98037, thanked the Planning Commission for considering this. He also thanked  
6 Todd Hall and Michelle Szafran for their help in the past. He stated that this  
7 proposal was initiated by a developer/builder group consisting of Sunquist,  
8 Echelbarger and him, not by Master Builders. He has lived and built houses in  
9 Lynnwood for many years. He stated there are many people who do not want to  
10 develop in Lynnwood because of the codes and fees. He stated that this could  
11 help with the density issue in Lynnwood. He discussed building scenarios for  
12 different lots. He stated there is still plenty of buildable area for developers after  
13 the easement and setbacks. He recommended that the Planning Commission  
14 approve this.

15  
16 Chair Wright entered a letter dated September 9 from the Master Builders  
17 Association into the record.

18  
19 Seeing no additional testimony the public testimony portion of the public hearing  
20 was closed at 8:05 p.m.

21  
22 Commissioner Comments:

23  
24 Commissioner Larsen commented that this has been a difficult issue for him. He  
25 acknowledged the developers' position, but commented that the average citizen  
26 is not happy with houses being built in backyards. He stated that this would result  
27 in a reduced size of lot which is below the standard of that zone. He emphasized  
28 that lot size and lot usage are the cornerstones of zoning. He recommended  
29 changing the zoning standard in a particular area where there are a lot of these  
30 kinds of lots instead of setting precedents with substandard lot creation.

31  
32 Commissioner Braithwaite concurred with Commissioner Larsen's comments.

33  
34 Commissioner Wojack asked Mr. Crosby if he thinks this is a good thing for  
35 Lynnwood. Mr. Crosby replied that he thinks if people want to sell and develop  
36 their back yard they should be allowed to do so. He has done developments and  
37 lived on flag lots and has never had even one dispute. He cautioned against  
38 going towards LDMR's. He thinks this just makes sense and that a lot of people  
39 would like to do it. Regarding the question about the number of lots to which this  
40 would apply, he estimated it would be about 100.

41  
42 Commissioner Hurst agreed that the less restriction put on a property owner  
43 being able to sell the property the better. He doesn't see this as a drastic change  
44 as far as lot size. He spoke in support of moving forward with this.

1 Chair Wright asked about the type of lots the majority of these are. Mr. Crosby  
2 commented that some are assemblies and some are corner lots, but the majority  
3 of the lots are rectangles which leaves plenty of room in the backyard for another  
4 house.

5  
6 Commissioner Larsen thanked Mr. Crosby for coming personally as a builder to  
7 the public hearing.

8  
9 *Motion made by Chair Wright, seconded by Commissioner Wojack, to forward*  
10 *this recommendation on to the Council for their action. Motion passed*  
11 *unanimously (5-1) with Commissioner Braithwaite voting against the motion.*

## 12 13 **Work Session**

### 14 15 **1. Parking Ratios for Elementary Schools (Edmonds School District)**

16  
17 Michele Szafran introduced this item which was proposed by the Edmonds  
18 School District to amend the current code to reduce the parking ratio  
19 requirements for elementary schools. Staff introduced the item at a previous work  
20 session on August 13, and the Planning Commission expressed interest in  
21 hearing directly from the Edmonds School District on this matter.

22  
23 Stewart Mhyre, Executive Director for Business and Operations, Edmonds  
24 School District introduced Project Manager Matt Finch. Mr. Mhyre explained in  
25 February 2014 the school district passed a bond issue. A part of that was to  
26 rebuild Lynnwood Elementary and to do a major remodel of Spruce Elementary.  
27 Both sites have their unique characteristics and challenges. He stated that they  
28 don't need the amount of parking that the code calls for. For example the current  
29 code would call for 150 parking spots at Lynnwood Elementary with an  
30 administrative reduction capacity of 20% which would take it down to 120. Right  
31 now Lynnwood Elementary currently has 73 parking stalls which meets the  
32 needs of the staff and volunteers who come on a daily basis. He stated that the  
33 increased number of spots would result in a lot of empty parking spots for most of  
34 the day. He noted that around both Lynnwood and Spruce schools there is a  
35 significant amount of on street parking within the neighborhoods which can be  
36 used for special events. He noted that the school district, like the City, is  
37 spending taxpayer funds. Every dollar that goes into an infrastructure item is a  
38 dollar they can't spend on a building to really support education. Mr. Mhyre  
39 stated that the district has had a parking analysis done so they know what their  
40 needs are. Based on the traffic engineer's study and recommendation, they are  
41 requesting that the code be brought down to .14 stalls per student which at a 600  
42 student capacity would generate about 85 stalls. This is about the same amount  
43 as Snohomish County, and would be more than Shoreline, Bothell, and  
44 Edmonds.

45

1 Commissioner Braithwaite referred to the traffic study which was presented at the  
2 last meeting and stated that 67% of the elementary schools' parking time  
3 calculated was within the first hour when the volunteers weren't there. He noted  
4 that the volunteers don't arrive until after the first period. He asserted that this  
5 resulted in the numbers being skewed. He disagreed that there is a lot of parking  
6 near Spruce, especially on the main street. Mr. Finch replied that at Spruce they  
7 have only about three volunteers on average.

8  
9 Chair Wright referred to the temporary site of Lynndale Elementary and noted  
10 that the parking situation was very difficult there. He asked about the standards  
11 to which that school was built. Mr. Finch replied it was built many, many years  
12 ago. He wasn't sure what requirements there were by the City of Edmonds.  
13 Since it is a temporary site the school will only be there until December of 2016.  
14 Chair Wright asked if the school district tracks phone calls they receive about  
15 parking issues. Mr. Finch commented that the first few days there are a lot of  
16 parents that want to drive their kids and then they later put them on a school bus.  
17 He thinks over time the issues will decrease. He said he hasn't received any calls  
18 from neighbors or the principal.

19  
20 Chair Wright was amazed they didn't receive any calls. He noted this is more  
21 than just a nuisance, but there is a possibility of safety issues there as well  
22 because there are no sidewalks and cars are forced into the cul-de-sac and  
23 where buses are driving. He agreed that education dollars are best spent on  
24 classrooms, teachers, books, and materials, but commented that infrastructure  
25 supports that. He spoke against reducing the standard from one that is already  
26 inadequate. Mr. Mhyre replied that the parking code requirement is currently 150  
27 or administratively reduced to 120. The 73 parking spots right now at Lynnwood  
28 are adequate for the need, but under the district's proposal it would go up to 85.  
29 This would be increased even more significantly at Spruce, from 57 to 85.

30  
31 Commissioner Ambalada commented [microphone off]

32  
33 Commissioner Braithwaite thanked the school district for coming tonight. He  
34 commented that he has observed the parking situation at a couple schools as he  
35 has driven around Lynnwood and finds that generally they are pretty full. For  
36 example at Beverly Elementary this morning the parking lot was all full and  
37 people were parked on the curbs around the parking lot. His observation is that  
38 the parking lots seem to be fully utilized. He asked if they have considered any  
39 alternative matrix for addressing the situation. Mr. Finch noted that Lynnwood  
40 and Spruce underwent parking lot configuration a few years ago. Fire lane  
41 access is critical. Pick up and drop off areas are also important.

42  
43 Commissioner Larsen asked what the district would do with the area where the  
44 40 stalls would be if they didn't have to provide parking there. Mr. Mhyre replied  
45 that at Spruce space is more of an issue than it is at Lynnwood. He explained  
46 that the district has a set budget for each of the facilities that they must stay

1 within. What doesn't go into the parking lot will go into the building.  
2 Commissioner Larsen asked if there is a way they can use the extra parking  
3 spots for something else when it is not needed. He recalled using extra parking  
4 lot space as a basketball court when he was in school. Mr. Finch replied that they  
5 currently use playground space as overflow parking. The concern would be what  
6 they have to formally provide per the code. Commissioner Larsen expressed  
7 concern about public safety when people have to park off site. Commissioner  
8 Braithwaite concurred. Mr. Finch stated that the principals stress communications  
9 with parents and staff on how to be safe and where to appropriately park. Mr.  
10 Mhyre concurred.

11  
12 Commissioner Wojack referred to a question raised by Chair Wright at the last  
13 meeting and asked if the school district has taken into consideration the fact that  
14 they changed busing from half a mile to a mile which theoretically more than  
15 doubles the amount of students that have to commute by vehicles as opposed to  
16 walking. Mr. Finch commented that was actually changed a few years ago.

17  
18 Commissioner Ambalada asked what the district is asking. Mr. Mhyre  
19 summarized they want to amend the parking code for elementary schools to a  
20 number that is lower than it currently is and something that is more in line with  
21 what the schools' needs are. The district feels that 85 spots for a school with a  
22 population of about 600 is about right. Commissioner Ambalada asked if the  
23 principals of the two schools agree. Mr. Finch replied they would be very happy  
24 with this proposal although they would always appreciate more parking spaces.

25  
26 Commissioner Braithwaite asked for staff input. Ms. Szafran thought Director  
27 Krauss had been supportive of the Mill Creek code which would require six spots  
28 per classroom and one space per employee. Mr. Finch commented that would be  
29 257 parking spots for Lynnwood Elementary and 233 for Spruce. He added that  
30 the code was just adopted last year and they haven't built a school under that  
31 code yet. Commissioner Braithwaite spoke in support of changing the current  
32 number, but said he would like some numbers and spreadsheets to justify the  
33 number they would like to change it to.

34  
35 Commissioner Hurst asked for an estimate on the per stall cost of a parking lot.  
36 Mr. Finch stated they did not have that, but could provide it. Commissioner Hurst  
37 thanked Mr. Mhyre and Mr. Finch for being at the meeting.

38  
39 Commissioner Wojack said he likes the idea of a decent ratio, but requested that  
40 the average number of volunteers be incorporated into the estimates.

41  
42 Commissioner Ambalada asked if the Edmonds School District gets a portion of  
43 the traffic citation fines received from the street in front of Lynnwood Elementary.  
44 Mr. Mhyre replied they do not. Commissioner Ambalada suggested that they  
45 ought to.

46

1 Commissioner Wojack asked if the City would have to send public hearing  
2 notices to people around all of the elementary schools. Planning Manager Hall  
3 indicated he would have to check on that. Chair Wright recommended doing at  
4 least Lynnwood Elementary and Spruce Elementary. Mr. Finch commented that  
5 as part of the SEPA process the district will go through parking studies and a  
6 parking analysis regardless. He suggested that perhaps this could be a means to  
7 amend the code to allow for specifications per site. Planning Manager Hall stated  
8 the City would be supportive of the school district being the lead agency on it  
9 since it is a proposal that is in their interest. Mr. Finch agreed. He added that the  
10 district could provide an option that would have a traffic analysis done in order to  
11 have reduced parking. Commissioner Larsen summarized that they were  
12 discussing having a standard for the proposal being accepted by the planning  
13 director.

14  
15 *Motion made by Chair Wright, seconded by Commissioner Ambalada, to*  
16 *schedule a hearing date at an upcoming meeting with the information that will be*  
17 *provided by the school district. Motion passed unanimously (6-0).*  
18

## 19 **Other Business**

20  
21 None.

## 22 **Council Liaison Report**

23  
24  
25 Councilmember AuBuchon had the following comments:

- 26 • The Council has been on summer recess since the middle of August and  
27 they have yet to reconvene.
- 28 • He commented on storm statistics received from the SnoCom Board. The  
29 recent wind storm resulted in about a 700% increase in calls to the Fire  
30 Department, Public Works, and Police during that reporting period.
- 31 • He thanked the Planning Commission for their thorough work tonight.

32  
33 Chair Wright commented he was pleased to see temporary stop signs erected  
34 following the storm at uncontrolled intersections in Lynnwood.

35  
36 Commissioner Wojack asked about the legitimacy of rumors he has heard about  
37 Lynnwood moving its fire service to Fire District 1. Councilmember AuBuchon  
38 replied it is an active movement by some in the Administration and some on the  
39 Council. There are two upcoming meetings that the public can attend to find out  
40 more. Commissioner Wojack recalled that the Level of Service with Fire District 1  
41 is not nearly what the City of Lynnwood currently has. Councilmember AuBuchon  
42 said he shared that concern.

1 **Director's Report**

2  
3 Todd Hall had the following comments:

- 4 • Director Krauss is at the annual Planning Directors Conference in Chelan  
5 this week.
- 6 • He introduced the new Senior Planner, Shaunda Emery.
- 7 • Staff spent time this week reviewing and assessing how they did with the  
8 City during the unusual windstorm. The Mayor gave kudos to the staff for  
9 their performance. It was a good reminder to be prepared for unusual  
10 circumstances. The City will build on the learning opportunities for future  
11 events.

12  
13 **Commissioners' Comments**

14  
15 Commissioner Larsen announced that he has been appointed to the County  
16 Planning Commission and is really looking forward to it.

17  
18 **Adjournment**

19  
20 The meeting was adjourned at 9:16 p.m.

21  
22  
23 \_\_\_\_\_  
24 Richard Wright, Chair

**Topic: Fee-Simple  
Unit Lot Subdivisions**

Agenda Item: E.1

**Staff Report**

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

Staff Contact: Chanda Emery, AICP, Senior Planner, Community Development

**Summary**

The purpose of this agenda item is to introduce the topic of fee-simple unit lot subdivisions.

**Action**

None required.

**Background**

In order to begin the discussion on the topic of fee-simple unit lot subdivisions, Staff would like to explain what fee-simple ownership is in plain English. “*Fee*” (from the old word, fiefdom) refers to the legal rights of the land, and “*simple*” means unconstrained.

Fee simple ownership is the absolute and unqualified legal title to real property, including both buildings and land. This is the most commonly used type of ownership in America. All single family homes are fee simple ownership.

However, in Lynnwood, people who live in a condo or a townhouse have complete access to the land, but they don’t actually own it. Someone who is living in a condo or townhouse will own their unit and not the land on which the development is built.

For some reason, most people think that a “*condominium*” refers to a particular design of an attached dwelling unit. This is a misconception and is not true. The term “*condominium*” actually has nothing to do with style, design, or anything regarding how many levels a unit has.

A “*condominium*” is a form of ownership. It is a form of ownership, which involves a separation of property into individual ownership elements and common elements. A “*condominium*” is an ownership type not a style.

Over the past few years, many local jurisdictions have updated their codes to modernize and clarify this misconception to allow citizens to increase home ownership opportunities while also working within existing land use designations.

The desire to adopt the unit lot subdivision concept is driven by difficulties relating to construction financing and insurance, as well as mortgage financing

for developments subjected to condominium ownership. Such issues are eliminated when fee-simple ownership is proposed.

Nowadays, many prospective homeowners have found it difficult to obtain financing for the purchase of townhouse units due to requirements of the condominium financing guidelines of the country's major mortgage lenders (FHA, VA, FNMA, and FHLMC). By allowing townhouse units to be placed on, and owned in conjunction with an individual fee-simple lot, such mortgage financing issues are eliminated, as the purchase of each unit would not fall under the condominium financing guidelines mentioned above.

Staff has researched the fee-simple concept and does not see that there would be any detrimental issues regarding the public's health, safety, and welfare due to the fact that there are no physical differences between a fee-simple unit lot subdivision and those that use condominium form of ownership. All new development will have the same "look and feel" and the only difference is the form of ownership. The development will meet the existing code for lot area, lot width, building setbacks, parking and design guidelines. It does not change permitted densities. It also does not change zoning standards.

#### **Next steps**

If the Planning Commission would like to pursue this topic further at another meeting, then Staff recommends that the Community Development Department prepare a more detailed staff report summarizing code provisions for unit lot subdivision. The staff report would summarize amendments to Title 19 and 21 of the Lynnwood Municipal Code (LMC) to provide for the subdivision of townhouse developments into individual fee-simple unit lots in any zone in which townhouse dwellings are a permitted use. At that time, Staff would also prepare a draft ordinance that provides the proposed amendment language.

#### **Previous Planning Commission / City Council Action**

N/A.

#### **Adm. Recommendation**

Unless the Planning Commission instructs otherwise, staff will schedule a public hearing for this matter.

#### **Attachments**

1. Powerpoint Presentation – Fee-Simple Unit Lot Subdivisions
2. Handout – "Comparison of Townhouse Development Using Different Forms of Ownership"



# FEE-SIMPLE

## Unit Lot Subdivisions

City of Lynnwood Planning Commission

October 8, 2015 Meeting

## Definition of Fee-Simple

- “Fee” is the legal rights to the land
- “Simple” means unconstrained
- “Fee-Simple” is the absolute and unqualified legal title to real property – it includes both the building itself and the land
- Most common form of ownership in America
- All single family homes are fee simple ownership

## Fee-Simple: What does it mean for the City of Lynnwood?

- It will be a change in ownership style
- No physical changes – “nothing changes on the ground”
- It will allow for increased home ownership opportunities
- It creates new housing options that will accommodate a financially diverse population
- It continues to use existing land use designations

## Why? Problems Associated with Condominium Financing

Federal Housing Authority (FHA) requires the following to be satisfied prior to loan approval:

- At least 50 percent of the units in the project must be sold;
- Fewer than 15 percent delinquencies;
- 50 percent or fewer of the residences can be renters;
- 10 percent of condo fees must be kept for cash reserves

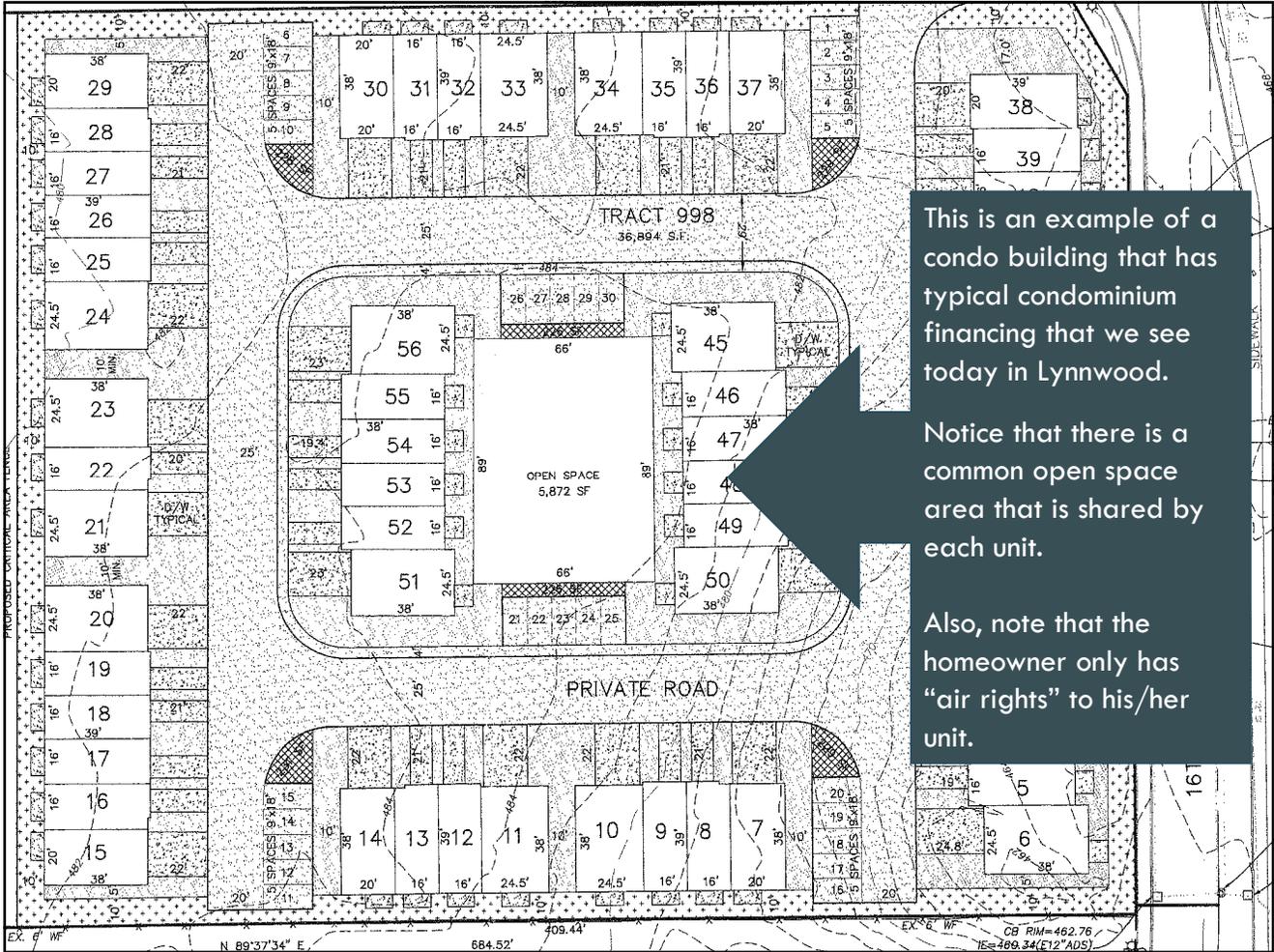
## FHA Condo Guidelines Extend to Geographic and Environmental Factors

FHA will not secure a loan for condo buildings, if any of the following occur:

- Located in close proximity to a freeway, such as I-5, SR-525 due to noise hazards
- Located within 3,000 ft. of a landfill
- Located within 2,000 ft. of any building that could be prone to fire hazards
- Located within a designated flood zone or wetland

## Basic Premise of Fee-Simple Unit Lot Subdivisions

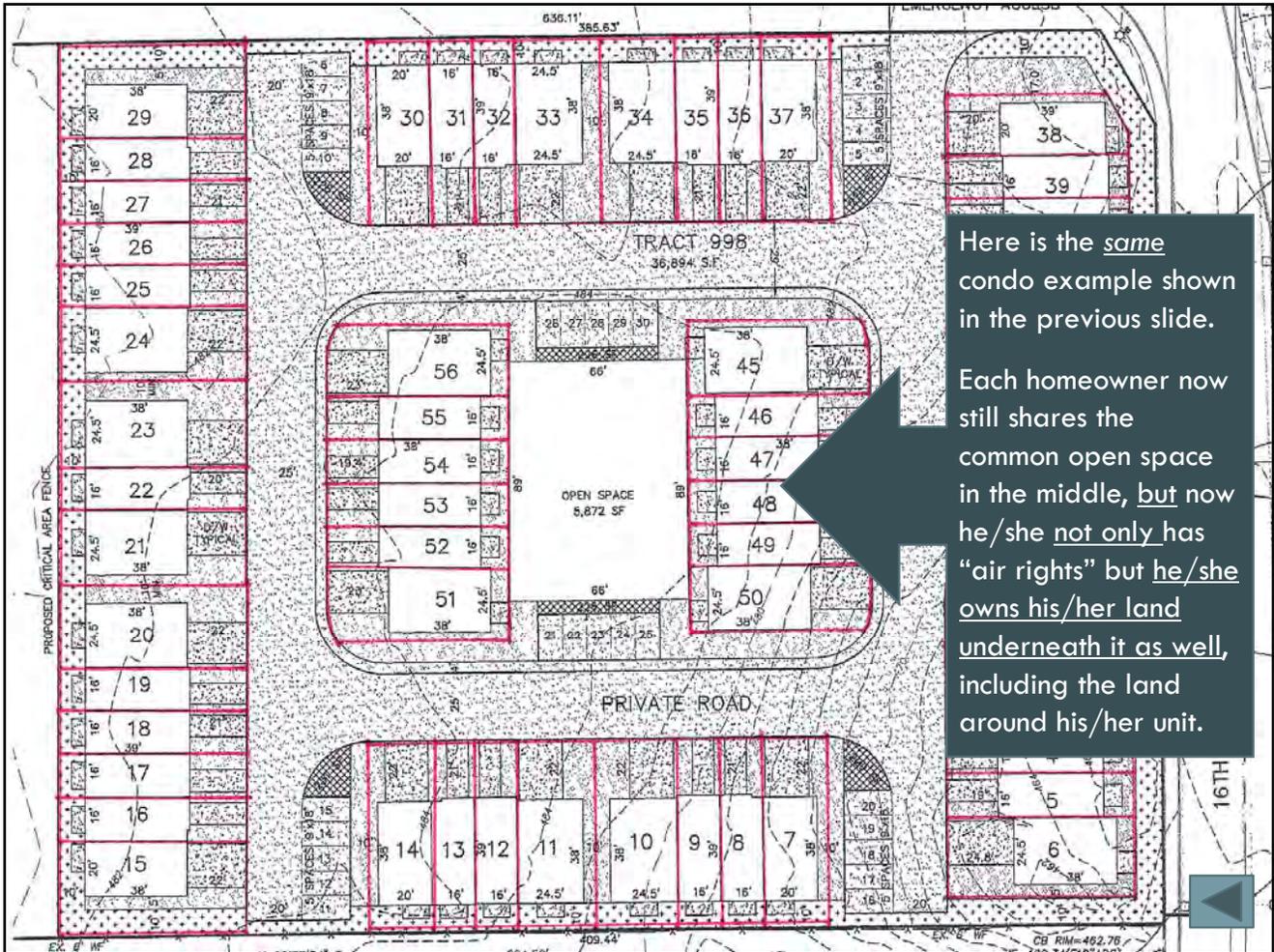
- Development will continue to meet existing code for:
  - Lot area and lot width
  - Building setbacks
  - Parking
  - Design Guidelines
- Allows for lot lines to be drawn around individual dwelling units and incidental areas
- Each dwelling will sit on the individual lot owned by the homeowner
- Common areas are still owned and maintained by the homeowners association



This is an example of a condo building that has typical condominium financing that we see today in Lynnwood.

Notice that there is a common open space area that is shared by each unit.

Also, note that the homeowner only has "air rights" to his/her unit.



## Proposed Changes

- Does not change permitted densities
- Does not change zoning standards (parking, landscaping, open space, building design)
- Would be applicable for new attached and detached development in multi-family zones
- May be retroactively applied to already approved attached or detached condominium developments

## Other Local Jurisdictions That Have Adopted Fee-Simple

- City of Everett
- City of Mountlake Terrace
- City of Bothell
- City of Seattle
- City of Enumclaw
- City of Renton
- City of Federal Way
- City of Redmond
- Snohomish County



## Benefits of Fee-Simple

- Provides another housing option for citizens in Lynnwood
- Promotes affordable home ownership opportunities
- Financing and refinancing is more easily attained for all parties involved - developer, buyer, and existing homeowner
- No physical differences between fee-simple unit lot subdivisions and those that use condominium form of ownership
- Fee-simple units do not carry the same litigation risks as condos

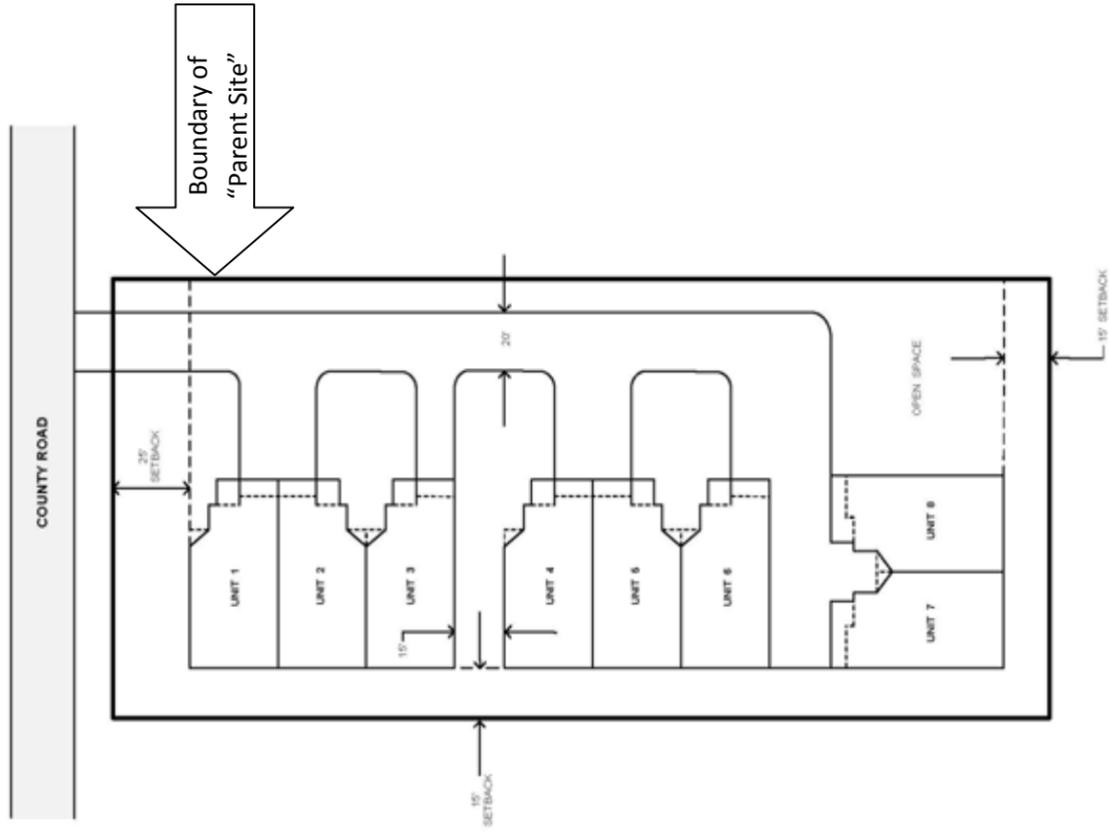


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## COMPARISON OF TOWNHOUSE DEVELOPMENT UTILIZING DIFFERENT FORMS OF OWNERSHIP

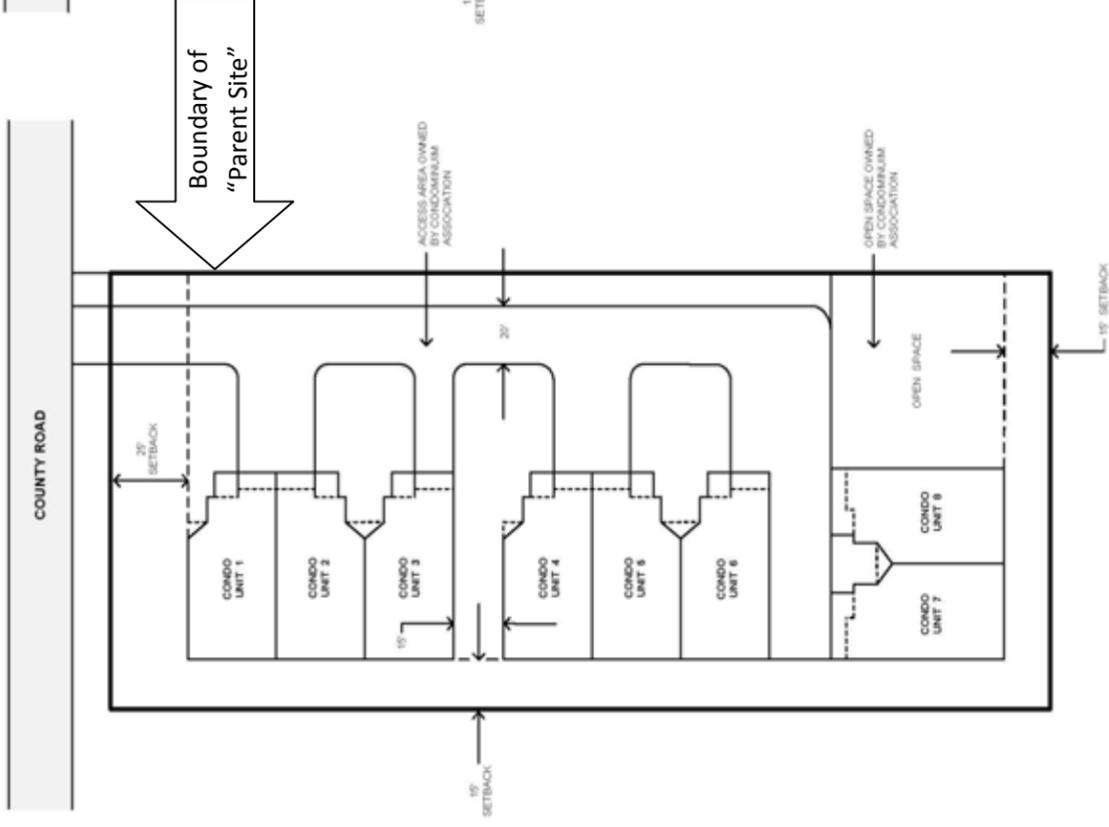
- IN EACH EXAMPLE THE DEVELOPMENT STANDARDS APPLIED ARE ONLY THOSE APPLICABLE TO THE UNDERLYING PARENT SITE AS A WHOLE.
- THERE IS NO CHANGE IN SITE DESIGN – THE ONLY DIFFERENCE IS FORM OF OWNERSHIP.
  - PARENT SITE: THE OVERALL SITE TO WHICH DEVELOPMENT STANDARDS ARE APPLIED
  - UNIT LOT: THE INDIVIDUAL LOTS CREATED FROM THE SUBDIVISION OF A PARENT SITE FOR THE EXCLUSIVE USE OF TOWNHOUSES.

### OFFICIAL SITE PLAN



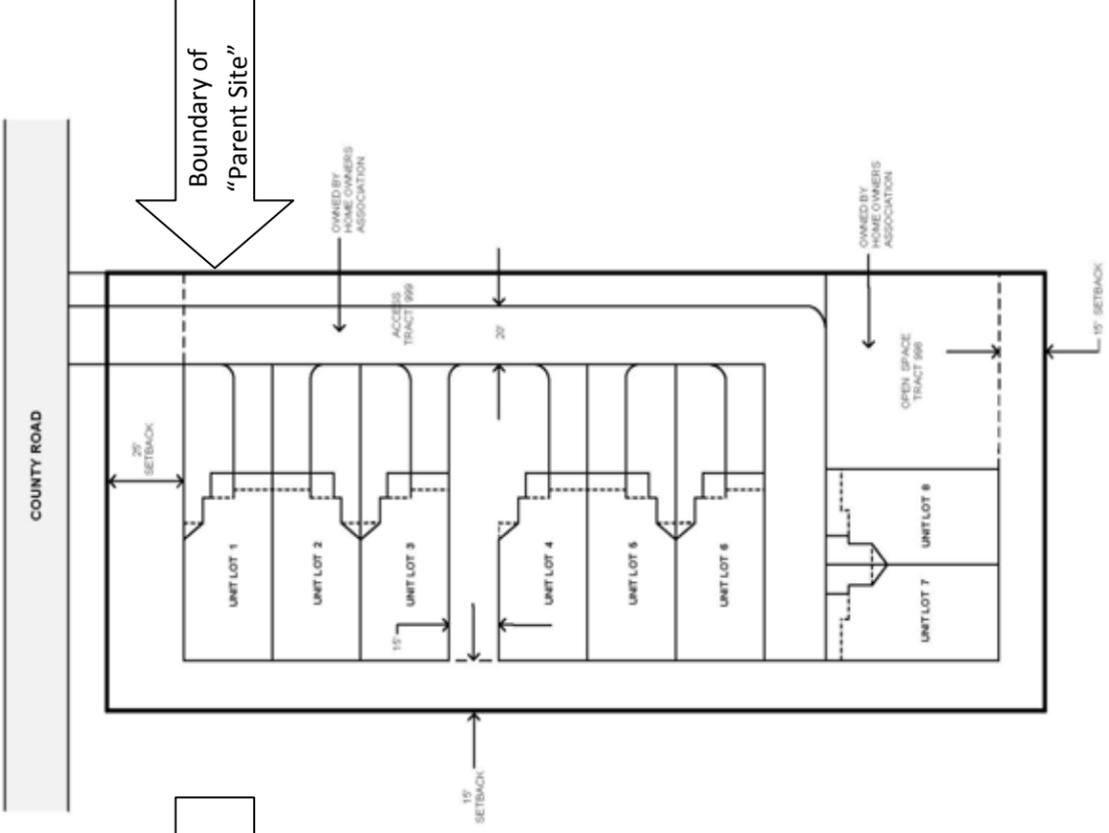
- The entire development is held in single ownership, and individual units are rented/leased to the inhabitants.
- There are no separate tracts for common areas, access, etc.
- Development standards are applied to the entire site as a whole.

### CONDOMINIUM



- Provides for ownership of individual units, but not for land on which the units are placed.
- The land on which the units are placed, and common areas such as internal access ways and open space are owned in common by a condominium association.
- Development standards are as required for the underlying "parent site".

### UNIT LOT SUBDIVISION



- Provides for ownership of individual units and the land on which they are placed.
- Common areas such as internal access ways and open space are placed in tracts owned by a homeowner's association.
- Development standards are as required for the underlying "parent site" as opposed to being applied to the individual unit lots.

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**Topic: Chapter 21.46 –  
Commercial Zone Amendments**

Agenda Item: E.2

**Staff Report**

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

Staff Contact: Gloria Rivera, Senior Planner, Community Development

**Summary**

The purpose of this agenda item is to introduce the intent of proposed amendments to Chapter 21.46 LMC.

**Action**

None required.

**Background**

One of the major codes which the staff is required to interpret and apply is Chapter 21.46 Commercial Zones of the Lynnwood Municipal Code. Many of the uses listed in the Use Tables are outdated or noninclusive of today's activities. In addition, many of the text requirements that apply to the uses are also outdated, inconsistent or basically do not make any sense when applied. Staff will be proposing amendments to both the use tables and text.

The final format in which the Chapter will be set forth as not yet been determined. Some of the zones in the municipal code are established in tables while the new zones (i.e. Highway 99, City Center) establish the uses in tables.

Please note the attached are only first drafts for consideration and any additions or deletions are welcome.

**Next steps**

Attached for review is the first draft of proposed amendments to the use tables and to the text. The proposed uses and text amendment are preliminary only. Also attached is the full text of the current code:

Use Tables. As can be noted in the tables, many uses in the existing table are repetitive, are out of date for the times or are not inclusive enough in the current times. Proposed additions are underlined and proposed deletions are struck out.

Text Amendments. A summary of proposed text amendments to date is as follows:

- 21.46.050(B)(2) Elimination of B-2 zone. There are only about 8 parcels zoned B-2 in the City which almost appears to be spot zoning. It is inconsistent with the "Purpose" statement which describes B-2 zones as

covering several blocks. If the B-2 is eliminated, 21.46.112 Limitation on uses- Restaurants no longer applies.

- 21.46.105 Project Design Review. Would add “or” to the two sections to clarify language of the subsections.
- 21.46.111 Limitation on uses – Auto-oriented uses. Under subsection A, would delete the reference to new car sales permitted as only an indoor use. Under subsection B, may consider deleting unattended stations as only a permitted use.
- 21.46.113 Limitation on uses-Institutional uses. This section should have been deleted when the B-4 zone was deleted several years ago. It is no longer applicable.
- 21.46.116 Limitation on uses-Residential uses. Minor word changes to make the code easier to apply within the different zones. Also change is made to allow housing on the 2<sup>nd</sup> floor and above. Also, consideration of whether a CUP is required for a nursing home and the retention of the Living Quarters for Homeless Teenage Girls.
- 21.46.118 Limitation on uses – Light Industrial Uses. Deletion of language which does not seem to apply.
- 21.46.119 Limitation on uses – Other uses. Question whether subsection A is needed today. Subsection B is proposed for deletion since it hinders uses in an emergency situation through a CUP process.
- 21.46.120 General Commercial areas for controlled uses. The purpose of the prohibited use is to separate children from activities to which they would be drawn. “Wholesale uses” does not seem to be a kid-draw.
- 21.46.120 General Commercial areas for controlled uses. The purpose of the prohibited use is to separate children from activities to which they would be drawn. “Wholesale uses” does not seem to be a kid-draw.
- 21.46.210 Additional development standards. The existing language in subsection B is terribly confusing regarding front yard landscaping. An attempt is being made to simplify it.
- 21.46.220 Transition or Buffer Strips. A change is recommended to make a better flow between sections in the code in Subsection A. In subsection E, a recommendation is made to allow the director flexibility regarding the intensity and type of landscaping between zones.
- 21.46.900 Other Regulations. A recommendation is made to delete subsection D to be relocated, is still necessary, in Chapter 21.18 Parking.

### Previous Planning Commission / City Council Action

N/A. Additional work sessions and public hearing will be scheduled in the future.

### Adm. Recommendation

Discuss proposed amendments.

### Attachments

- A. Proposed changes with comment to Use Tables
- B. Proposed changes with comments to text.
- C. Existing Chapter 21.46

**PROPOSED CHANGES - CHAPTER 21.46 TABLES**

*One thing to keep in mind is whether we would want to eliminate the B-2 zone entirely.*

*Future recommendation from staff is to maybe have three commercial zones. A B zone with conditions, PCD and CG zone.*

*We are also considering a rewrite of 21.46.050, the Purpose section of the zone, to simplify it.*

**21.46.100 Permitted structures and uses.**

A. No building, structure or land use shall be used and no building or structure shall be erected, or structurally altered, except for one or more of the uses permitted by Table 21.46.01 **through 21.46.13 or by discretion of the community development director for a use found to be consistent with the intent of the zone.**

Table 21.46.01

<b>Automotive Sales</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Auto Parts, Accessory, and Supplies Stores	P	-	P*	P	P
Auto Glass Stores	-	-	P	P	P
Auto Lubrication Stores	-	-	P	P	P
<del>Auto Wrecking Yards+</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>-</del>	<del>C</del>
Automobile Mechanical Repair	-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	C	P
Automobile Sales and Display+			P	P	P
Automobiles, rental or sale on open lot	-	-	P**	-	P
Electric Vehicle Charging Station Level1, Level 2 and Level 3, Principal Use	C	C	P	P	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, if accessory to a permitted or a conditionally permitted use only.	A	A	A	A	A
Battery Exchange Station (Electric Vehicles), Principal Use	C	C	C	C	C
Battery Exchange Station (Electric Vehicles), if accessory to a permitted use or conditionally permitted use only.	A	A	A	A	A
Battery Service and Sales	-	-	P*	P	P
Car Wash	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	P
Park and Pool Lots+	C	C	-	C	C
Parking Garages and accessory refueling and	-	P	P	P	P

servicing					
Public and Private Parking Lots for Passenger Cars	-	C	P	P	P
Service Stations, full self, or gas+	C***	-	-	C	C
Tire Store, not including recapping	--	-	P	P	P
Tire Store, provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	P-	-	-
Tire, Brake, Muffler Tune-up	-	-	P	P	P

1

2

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

3

4

5

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

6

7

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

8

9

10

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

11

12

*Discretion of the Director is added to pertain to all tables.*

13

*Recommendation to remove wrecking yards with the existing ones grandfathered*

14

*In the table above, should we eliminate Automobile Sales and Display in the PCD zone (which is more the Mall and Alderwood Blvd. For the second section relating to Automobiles (rental or sale on open lots it references to the \*\* in just the PCD zone. Should we just delete PCD from both? Do we really want to encourage auto sales in those areas (this does not include the Jaguar site which is zoned CG).*

15

*Under Tire sales, why not delete the first and just have one category.*

16

**Table 21.46.02**

<b>Business Service Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Business Services, not including furniture or equipment sales	P	AI	P*	P	P
Business and Professional Services not mentioned elsewhere in this section.	-	-	P	P	P

17

18

**Table 21.46.03**

<b>Eating and Entertainment Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Fountains and Ice Cream Stands	P	AI	P*	P	P-X

Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	P	P	P
Restaurants and Cafeterias providing on-premises services to seated patrons+	P	AI	P	P	P-X
Restaurants, drive-in car service+	-	-	-	P	P-X
Restaurants, drive-through car service			P*	P	P
Taverns, Bars and Cabarets	-	-	P	P	P

1  
2 *No clue why the above (indoor amusement enterprises) is included in the restaurant table. Do*  
3 *we really need to regulate if they serve food.*

4  
5 *Added drive-through. A note to be added that drive-throughs in the PCD zone shall have the*  
6 *drive aisle screened.*

7  
8 **Table 21.46.04**

Institutional Uses	B-3	B-2	PCD	B-1	CG
Child Day Care+	P	-	P*	P	P-X
Churches, not using complementary parking	P	P	P	P	P-X
Nursing and Convalescent Homes and Homes for the Elderly and Physically Disabled+	P	P	P	P	P-X
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P-X
Municipal Services	P	P	P	P	P
Higher Education: Universities, Colleges, Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	P	P*	P	P	P-X
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	P	C*	P	P	P-X

9 \* Minimum building site of three acres; see also LMC 21.02.175.

10  
11 *Do we really want to get into the complementary parking issue in the use category,*

12 **Table 21.46.05**

Medical Uses	B-3	B-2	PCD	B-1	CG
Business Services, not including furniture or equipment sales	P	P	P*	P	P
Veterinary Clinics+	P*	-	P	P	P-X

13 \*Excluding outdoor kennels and runs

14  
15 **Table 21.46.06**

Office Uses	B-3	B-2	PCD	B-1	CG
Medical, Dental, Optical and Chiropractic	P	P	P	P	P

Clinics					
Offices as Home Occupations+	C	C	-	C	C

**Table 21.46.07**

<b>Personal Service Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Banks and other financial institutions	P	P	P	P	P
Personal Service Shops	P*	AI	P	P	P
Dressmaker and Tailoring Shops	P	-	P	P	P
Dry Cleaning and Laundry Plants	-	-	P	P	P
Dry Cleaning and Laundry, Self-Service	P	-	P0	P	P
Dry Cleaning and Laundry, Pick-Up Station for work to be done elsewhere	P	AI*	P	P	P
Locksmith	P	-	P	P	P
Pet Grooming	P	P	P	P	P-X

\* Notwithstanding the definition of personal service in LMC 21/02.566 or the provisions of Table 21.46.09, in the B-3 zone, gymnasiums and health clubs may be up to 5,000 square feet in building area.

**Table 21.46.08**

<b>Repair Services Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Appliance Repair Shops and the like	P	-	P	P	P
Computer Repair	P	-	P	P	P
Shoe Repair	P	-	P	P	P

**Table 21.46.09**

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

Overnight Campgrounds	-	-	-	-	C
-----------------------	---	---	---	---	---

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

3  
4 *Does Dance Hall need to be listed—I was thinking not but a growing thing (at least in the*  
5 *Skagit Valley) is rental of halls is renting of spaces for Quincenaras.*  
6 *Under the athletic activities, these can probably be combined into one.*

7  
8 **Table 21.46.10**

Residential Uses	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P
All uses permitted in single-family zones	-	-	P	-	-
Multiple-Family Housing Units+	C*	C	P		
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map	-	-	-	P	P
Caretaker or Watchman Quarters	C	C	-	C	C
Living Quarters for Homeless Mothers Parents +	P	P	P	P	P
Motels and Motor-Hotels	-	P	P	P	P-X
Respite Care	P	-	P	P	P

9 \* One-acre minimum lot size, subject to standards and procedures established in Chapter 21.43  
10 LMC for the Multiple Residential Medium Density Zone (RMM) with the exception that  
11 maximum building height is three stories or 45 feet, whichever is less. Also subject to additional  
12 careening or privacy measures as determined by the hearing examiner during the conditional use  
13 permit process, including but not limited to: distance, architectural design, significant tree cover,  
14 significant elevation changes, fencing, reduction or elimination of lighting immediately adjacent  
15 to single-family uses, and prohibition of activities immediately adjacent to single-family uses  
16 that will create noise, odor, or other impacts (i.e. garbage collection areas, recreational areas,  
17 parking lots). See Figure 21.46.1.

18  
19 **Table 21.46.11**

Retail Uses	B-3	B-2	PCD	B-1	CG
Apparel Shops	P	-	P*	P	P
Appliance Stores, including incidental repair	-	-	P	P	P
Art Stores and Supplies	P	-	P	P	P
Audio Sales and Service	-	-	P	P	P
Bakery Retail Stores	P	-	P	P	P-X
Bicycle Sales and Repair	-	-	P	P	P-X
Boat and Equipment Sales and Display, indoors	-	-	P	P	P
Boat and Trailer, open lots for sale of rental of	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	P
Carpet Stores	-	-	P	P	P
Computer Stores Sales and Service	P	-	P	P	P

Convenience Stores not located on the same or adjacent lot to a service station+	P	-	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service, self-service station, gas station+	P*	-	-	C	C-X
Dairy Product Stores	P	-	P	P	P
Department Store	-	-	P	P	P
Drug Store	P	-	P	P	P
Dry Goods Store	P	-	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	AI	P	P	P
Fountains and Ice Cream Stands	P	-	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoors	P	-	P	P	P
Gift Shops	P	AI	P	P	P
Grocery Stores	P	-	P	P	P
Hardware Sores	P	-	P	P	P
Hobby Shops	P	-	P	P	P
Music Stores and Supplies	P	-	P	P	P
News Stands	P	AI	P	P	P
Office Supplies, not including furniture or equipment sales	P	AI	P	P	P
Pet Shops	P	AI	P	P	P-X
Retail Lumber Yards	-	-	-	-	C
Retail Stores not mentioned elsewhere in this section	-	-	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	P	-	-	-	P
Stationery Store	P	AI	P	P	P
Variety Store	-	-	P	P	P

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

2

3 *A number of the above uses can be deleted to be combined into the Retail Stores not*  
4 *mentioned elsewhere in this section. Should uses the involve service and repair be kept in a*  
5 *separate line item.*

6

7 *The fountains and ice cream stands should be deleted and go in the restaurant category.*

8

9

**Table 21.46.12**

<b>Light Industrial Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Assembly of Glass, Light Metal, Plastic, Electronic. Electrical or Wood Parts, which are extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such	-	-	-	-	P

as cutting or drilling					
Bottling or Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Bottling or Packaging Plants in existing spaces of more than 10,000 sq. ft.	-	-	-		P
Cold Storage Lockers	-	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	C
Ice Storage and Dispensing	-	A	-	A	A
Research and Development	-	P	-	P	P
Printing, Publishing and Binding (no noise beyond the premises)	-	AI	P	P	P
Public Utility Facilities+	P	-	P	P	P
Recycling Collection Centers-	-	-	-	-	C
Research and Development	-	P	-	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft. *	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. *	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.					C-X

1 \* Inclusive of all aspects of the business.

2

3 *On most of these, do we really care if they are in existing spaces.*

4

5 *Under Bottling and Packaging, if the trend is kept for the rest of the tables, probably a facility*  
6 *of over 10,000 sq. ft. was intended to be a C use and not a P.*

7

8 *Do we want could storage lockers in the PCD zone?*

9

10 *Under the wholesale stores, do we want the "-X" designation. It was intended to keep children*  
11 *separated from adult entertainment uses. It makes sense in the restaurant and retail tables but*  
12 *do we need it to apply to the wholesale?*

13

14

Table 21.46.13

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

\* See LMC 21.46.110 through 21.46.119

**Recommendation is to eliminate the CUP for the Charitable or Relief Supplies Collections.**

Key:

P = Permitted as a principal use

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

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

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

- = Not permitted.

-X = Not permitted in controlled area.

CA = Permitted only in controlled area. See LMC 21.46.120.

**CHAPTER 21.46 – TEXT AMENDMENTS**

**21.46.050 Purpose.**

- A. General. *No change.*
- B. Individual Zones.
  - 1. Neighborhood Commercial (B-3) *No change.*
  - 2. ~~Limited Business (B-2). This zone is intended to provide areas for the location of office buildings of unrestricted height and size to accommodate executive, administrative, clerical, professional, and other compatible or complementary uses, including internally oriented businesses which serve the office businesses or their personnel, and including municipal service. It is intended that this zone should be so located that it will completely occupy a large area of several city block, without intermingling of other uses, in order that the typically high aesthetic quality of office buildings will be consistent throughout a large area and each such building will benefit by the presence of the others. Other uses which characteristically are of similar aesthetic quality are permitted, including financial institutions. Whereas other business zones provide goods and services for households, the Limited Business zone is intended to provide employment opportunities for the community, in an organized office zone which will enhance the image of the city.~~
  - 3. Community Business (B-1) *No change.*
  - 4. General Commercial (CG) *No change.*
  - 5. Planned Commercial Development (PCD) *No change.*

*Todd and I have been talking about eliminating the existing B-2 zone. There are only about eight small B-2 zoned parcels in the City that look like they were maybe spot zoned. To add further confusion, we are contemplating renumbering the B-3 to a new B-2, so the zones will read: B-2, B-1, PCD and GC.*

**21.46.105 Project design review.**

- A. ~~Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright or by conditional use permit in any commercial~~
- B. ~~Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit~~

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

- A. ~~Automobile Agencies. New car automobile sales and display room buildings and the repair and servicing necessary to the business are permitted as an indoor use.~~ In the Community Business (B-1) zone, used car sales are permitted accessory to the new car agency as an indoor use, or on open lot which does not exceed two times the area of the agency building and which contiguous to the new car agency. The uses cat area shall be other than the required off-street parking area.
- B. Self-Service Stations.
  - 1. Purpose – No Change
  - 2. Development Standards – No Change.
  - 3. ~~Operation, Supervision, and Maintenance Restrictions~~
    - a. ~~Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.~~

***This may or may not be a recommended change. Unattended self-service stations do exist but we may not want to encourage them along Highway 99 and other places in the City.***

1 **21.46.112 — Limitations on uses — Restaurants**

2 A. — Restaurants. In the Limited Business (B-2) zone, it is intended to permit restaurants for the  
3 convenience of persons employed in the zone. Restaurants are permitted either as an accessory use  
4 within an office building, or as the principal use of a separate site providing it fully occupies a site equal  
5 to the minimum area specified in the development standards.  
6

7 *If we get rid of the B-1, we can get rid of this section.*

8  
9 **21.46.113 — Limitations on uses — Institutional Uses**

10 A. — Child Day Care Center.

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

15 a. — Any adverse or significant changes, alterations or increases in traffic flow that  
16 could create a hazardous situation as either a direct or indirect result of the  
17 proposed activity;

18 b. — Any abnormal increase in demand for any public service, facility or utility;

19 c. — The size, location, and access of the proposed site; and

20 d. — Any adverse effects on the standard of livability to the surrounding area.

21 2. — Requirements. In any case, the approval of the conditional use shall include the  
22 following requirements.

23 a. — The applicant must be state licensed before the operation of the facility;

24 b. — Adequate off street parking must be provided;

25 c. — All outdoor play areas must be fenced with a minimum of 800 square feet plus an  
26 additional 80 square feet per additional child over 10;

27 d. — Site and sound screening standards for the outdoor play area must be met;

28 e. — The applicant must provide off street access to the facility from the public right-  
29 of way for the purpose of pickup and delivery of children;

30 f. — The applicant must indicate the ages of the children to be cared for.  
31

32 *Day Cares are no longer a CUP in any zone so we can eliminate this.*

33  
34 **21.46.116 — Limitations on uses — Residential uses**

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

41 B. **Multiple-Family Housing.**

42 1. ~~Except for properties zoned PCD~~ For properties zoned B-3 and B-2, dwellings may be  
43 permitted in commercial or office buildings on the ~~fourth~~ 2<sup>nd</sup> floor or higher; provided no  
44 more than one-half the floor area of the building (not including basements) is used for  
45 residential purposes. All provisions normally applying to high-rise multiple-family  
46 housing shall apply.

1 *Adding the B-3 and possibly the B-1 seems to make it clearer than as written. Is the fourth floor*  
2 *excessive especially given the height restrictions in the table (21.46.10)., since the maximum*  
3 *building height is 3 stories or 45 feet.*

4 *We could just eliminate #1 entirely and rely on #2 still subject to the 3 stories or 45 feet.*

- 5 C. Multiple-Family Housing – Highway 99 Corridor in the Community Business (B-1) and General  
6 Commercial (CG) zones – *No Change*  
7 D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. *No*  
8 *change but given the limited number of these do we really need to do a CUP. It is only outright*  
9 *permitted in the B-3 zone and is a CUP in the others*  
10 E. Living Quarters, Homeless Teenage Parents. *If this is kept, the table needs to be changed. The*  
11 *table references girls and the text references parents.*

12  
13 **21.46.118 Limitations on uses – Light Industrial Uses**

- 14 A. General  
15 1. Scope of Conditions. Wherever these uses are permitted under conditional use permit  
16 proceedings, the hearing examiner may stipulate the type of machinery allowable, that the  
17 performance standards and landscaping requirements of the Light Industrial Zone shall  
18 apply, that the use must be conducted entirely within a building which is constructed so  
19 as to contain the expected noise, and such other conditions as are necessary to assure  
20 compatibility with surrounding properties.  
21 ~~2. Requirements for Uses Occupying 10,000 Square Feet or Less That are Permitted as a~~  
22 ~~Principal Use. Certain light industrial uses are taking up 10,000 square feet or less are~~  
23 ~~allowed without a conditional use permit. No such use will be allowed without a~~  
24 ~~conditional use permit when:~~  
25 ~~a. There is a person, corporation, partnership or association with an ownership~~  
26 ~~interest in the business; and~~  
27 ~~b. Such person, corporation, partnership or association or any combination thereof~~  
28 ~~has an ownership interest in another business at the same business site or park~~  
29 ~~which has not obtained a conditional use permit because it uses 10,000 square~~  
30 ~~feet or less of floor space; and~~  
31 ~~c. The combined space of both businesses or uses exceeds 10,000 square fee~~  
32 B. Public Utility Facilities. *No Change*  
33 C. Auto Wrecking Yards and Recycling Collection Centers.

34  
35 *Have no clue why the deleted section was in here in the first place-who cares?*  
36

37 **21.46.119 Limitations on uses – Other Uses**

- 38 ~~A. Licensed Dance Halls. All conditional and special use permit applications for licensed dance~~  
39 ~~halls shall be evaluated for potential adverse impacts related, but not limited to, noise, traffic, and~~  
40 ~~the adequacy of on-site parking. Applications shall also be evaluated for locational and design~~  
41 ~~considerations which might foster potential nuisances or criminal activities. The minimum~~  
42 ~~standards which shall be required of any such proposed uses are as follows:~~  
43 ~~1. A separation of at least 300 feet between the building which the dance hall occupies and~~  
44 ~~the nearest residentially zoned property, as measured in a straight line without regard to~~  
45 ~~any intervening building, shall be required.~~  
46 ~~2. The parking standards for dance halls stated in Chapter 21.18 LMC shall apply.~~  
47 ~~3. All abutting streets shall be improved to the standards of the Lynnwood public works~~  
48 ~~department.~~  
49 ~~B. Charitable or Relief Supplies Collection and Storage. Centers for the collection, temporary~~  
50 ~~storage and distribution~~  
51 C.A. Wireless Communications Facility –*No Change*

1 **D.B** Self-Service Storage Facilities in Commercial Zones – *No Change*.

2  
3 *Do we really want to retain the dance halls? Even if we do, don't know why the section regarding public*  
4 *works and streets is included.*

5  
6 *Does anyone know why this is a CUP. Granted the Goodwill can be a hassle but why is one for charity*  
7 *and temporary use required to go through a CUP? Of course by the time it takes to process a CUP, the*  
8 *need might be gone.*

9  
10 **21.46.120 General Commercial areas for controlled uses.**

11 Introduction – *No Change*

12 A. Location of Controlled Use Area – *No Change*

13 B. Uses Permitted – *No Change*

14 C. Location Standards – *No Change*.

15 D. Variance from Separation Requirements – *No Change*

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

- 18 1. Pet grooming, pet shops, and veterinary clinics;
- 19 2. Churches, libraries, museums, art galleries and similar institutions;
- 20 3. Schools, including pre-schools, child day-care, and nursery school;
- 21 4. ~~Fountain and ice cream stands~~, restaurant and cafeterias, drive-in car, drive-through, and  
22 take-out restaurants;
- 23 5. Bakery retail stores and convenience stores;
- 24 6. Hotel/motels ~~and motor hotels~~;
- 25 7. Indoor amusement enterprises centers, as defined;
- 26 8. Bicycle sale and repair;
- 27 9. ~~Wholesale stores.~~

28  
29 *Reason for prohibition in the -X area is to protection children and the first 1-8 make sense, but does it*  
30 *really make sense to include wholesale stores.*

31  
32 **21.46.210 Additional development standards.**

33 A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. – *No change*.

34 B. Parking.

- 35 1. Capacity Requirements. For calculating the required number of parking stalls see  
36 Chapter 21.18 LMC.
- 37 2. Landscaping in Parking Areas.
  - 38 a. Purpose. The purpose of these landscaping provisions is:
    - 39 i. To break up the visual blight created by large expanses of barren asphalt  
40 which make up a typical parking lot;
    - 41 ii. To encourage the preservation of mature evergreens and other large trees  
42 which are presently located on most undeveloped sites in this city;
    - 43 iii. To ensure the preservation of land values in commercial zones by  
44 creating and ensuring an environmental quality which complements the  
45 commercial objectives of the respective land.
  - 46 b. Planting at Street Frontages. Development sites with parking areas located only  
47 between the sides of buildings opposite the street and interior property lines shall  
48 provide shall provide a 10-foot wide planting area along the entire street  
49 frontage, except for driveways, walkways and other pedestrian spaces.  
50 Development sites with single-aisle, double-loaded parking areas located  
51 between buildings and the street right-of-way, ~~parking areas between buildings~~

1 or parking areas between buildings and the closest property line shall provide a 15  
2 foot-wide planting area along the entire street frontage with the same above  
3 exceptions. Development sites with multi-aisle parking areas located between  
4 buildings and the street right-of-way shall provide a 20-foot wide planting area  
5 along the street frontage with the same above exceptions. Planting shall consist  
6 of ornamental landscaping of low plantings and high plantings. The minimum  
7 height of trees shall be eight feet for evergreen trees and 10 feet for all other  
8 species. Trees shall be spaced a maximum of 25 feet on center with branches  
9 eliminated to a height of six feet where necessary to prevent site obstruction.  
10 The required trees in this planting area may be located within the adjacent street  
11 right-of-way as long as they comply with Lynnwood Citywide Design Guidelines  
12 as adopted by reference in LMC 21.25.145(B)(3)., and are approved by the  
13 public works department. Low evergreen plantings, or a mixture of low  
14 evergreen and deciduous plantings with a maximum height of 30 inches, shall be  
15 provided so as to achieve 50 percent groundcover within two years.

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

- 22 c. *No change.*
- 23 d. *No change.*
- 24 e. *No change.*
- 25 f. *No change.*

26  
27 *The description of landscaping is so confusing. If you have any ideas, please add.*

#### 28 29 **21.46.220 Transition or Buffer Strips.**

30 A. Transitional or buffer landscaped strips (also referred to as greenbelts) the purpose of the  
31 landscaping is to provide a sight, sound, and psychological barrier between zones with a high  
32 degree of incompatibility. The transition or buffer strips shall be installed in the following  
33 situations:

34 1. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent  
35 to a property zoned single-family residential:

36 a. The planting strip shall be at least 20 feet in width and shall consist of the  
37 following:

38 i. Two rows of evergreen conifer trees. The trees shall be staggered and  
39 spaced a maximum of 10 feet on center, so as to form an effective visual  
40 barrier within five years. The minimum tree height shall be six feet.

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

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

45 a. The planting strip shall be at least 10 feet in width and shall consist of either of  
46 the following two options:

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

1 ii. A site-screening evergreen hedge. The spacing of plants shall be such  
2 that they will form a dense hedge within five years. Minimum plant  
3 height shall be four feet.

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

6 B. Maintenance – *No change*

7 C. Minimum Standards.

8 ~~1. Planting and Fencing.~~

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

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

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

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

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

32 ~~2.1. Signed Plans. *No Change.*~~

33 ~~3.2. Installation Prior to Occupancy. – *No Change.*~~

34 D. Fence Regulations .

35 1. Definition. *No change.*

36 2. Exceptions. *No change.*

37 E. Exception. The community development director may reduce the required buffer width and  
38 revise the required planting and fencing if the director finds, that, due to the intensity of existing  
39 or proposed landscaping, the amount and type of mature existing vegetation, change in  
40 topography between properties, use of the properties along the abutting property line, or other  
41 characteristics of the abutting properties, a reduced buffer width or deviation from the code  
42 landscape requirements will provide separation between the properties.

43 The community development director may approve variation from the degree and type of  
44 code required landscaping on their own initiative.

45 A request for approving a reduction in a required buffer shall be made in writing and  
46 shall describe fully the reduction and the basis for the request. The fee for processing a request  
47 shall be \$200.00. The person(s) requesting the buffer reduction bear the burden of proof that the  
48 reduced buffer will provide adequate separation and screening between properties.  
49  
50  
51

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

4 Anyone may appeal a determination regarding an exception by the director under this  
5 subsection by filing a written statement of the reason(s) for the appeal with the community  
6 development department. Such an appeal shall be processed pursuant to Process II.

7  
8 *This allows the Community Development Director to reduce the buffer width and revise the*  
9 *plantings at the request of the developer and a paid fee.*

10  
11 *I would like to recommend that an exception be allowed to be made by the staff with agreement of the*  
12 *developer if the existing landscaping and buffer provide a better buffer (i.e. large mature trees as*  
13 *opposed to newly planted six-foot trees).*

14  
15 **21.46.900 Other Regulations**

16 A. Refuse and Recycling Collection Areas and Enclosures. – *No change.*

17 1. Development Standards. *No change.*

18 2. Enclosure *No change.*

19 3. Parking *No change.*

20 4. Design. *No change.*

21 B. Procedural Requirements for Proposed Rezoning to the Neighborhood Commercial Zone (B-3)

22 The minimum and maximum area specified in LMC 21.46.200(A) shall apply to all future  
23 rezones to the Neighborhood Commercial zone (B-3).

24 In addition, the applicants shall provide such market information as may be required by  
25 the planning commission or city council in determining whether the proposed development will  
26 promote the general welfare of the city. Businesses which are nonconforming in another zone but  
27 which would be conforming if zoned Neighborhood Commercial (B-3) may be rezoned  
28 Neighborhood Commercial without regard to the minimum and maximum area, upon a finding  
29 that such a rezone would be in the public interest and/or the businesses in question would be  
30 consistent with the general intent of the Neighborhood Commercial zone.

31 C. Requirements for Development of Properties in the Community Business (B-1) and General  
32 Commercial (GC) zones.

33 1. Plans. Shopping centers or other multi-store retail developments in the Community  
34 Business and General Commercial zones shall be subject to the same site plan and utility  
35 plan requirements as are required in the Neighborhood Commercial (B-3) zone. The plan  
36 shall include a landscaping plan as per LMC 21.46.210(B); provided, however, that an  
37 alternate plan as per LMC 21.46.210(B)(2)(d) may be approved by the planning  
38 commission if it finds that the alternate plan would be more effective in meeting the  
39 stated objectives of LMC 21.46.210(B).

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

45 ~~D. Cooperative Development of Adjacent Properties in Commercial Zones and Nonresidential~~  
46 ~~Projects Developed in Zones Other Than Commercial Zones, Except the Planned Regional~~  
47 ~~Commercial (PRC) Zone. It is hereby declared to be the policy of the city to encourage in the~~  
48 ~~zones referred to in this caption adjoining properties that are so situated as to be developed or~~  
49 ~~redeveloped through cooperative plans for access, egress, and parking facilities to do so by a~~  
50 ~~relaxation of the total parking requirement for such properties. Property owners desiring to take~~  
51 ~~advantage of said policy may submit detailed plans to the city, and if such plans are approved by~~

1 the appropriate city departments, the required off street parking for each respective parcel may be  
2 reduced by twice the number of stalls that could be accommodated by the actual square footage of  
3 land provided by each respective parcel for a common driveway, provided:

- 4 1. That such reduction in parking will not reduce parking by more than 10 percent of the  
5 amount otherwise required;
- 6 2. A coordinated parking lot layout and landscaping plan is submitted, approved, and  
7 conforms to the specifications of this code;
- 8 3. In circumstances where buildings already exist, that the plans include a reasonable effort  
9 to coordinate, redesign or refinish the exterior of the buildings in a unified manner so as  
10 to improve the visual image of the street and vicinity;
- 11 4. The plans provided for streets adjoining the properties involved to be improved to city  
12 standards, including sidewalk, curb, and gutter, or reasonably equivalent guarantee or  
13 such improvement are provided in LMC 16.04.250;
- 14 5. Traffic flow is improved through joint use of the same entrances;
- 15 6. That the parties owning the properties have entered into a written agreement suitable for  
16 filing with the county auditor, defining their rights, duties reciprocal easements, and  
17 generally providing for maintenance and repair in such a manner that the planning  
18 commission is reasonably assured that the property will have an orderly, permanent  
19 management, which agreement shall notify persons dealing with the title to said lands  
20 that the right to reduce parking is conditional upon the continued existence of the  
21 common driveway;
- 22 7. The city has received consent by all owners that additional building permits on any of the  
23 land so affected will not be issued by the city unless separate and/or additional parking is  
24 provided.

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

27 F.E. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of  
28 nonconforming uses.

29  
30 *In B and C, I like the abbreviation so we don't have to keep flipping forward in the chapter to see what  
31 zone is being described. As for D, is it really needed and if so, it belongs in the parking chapter rather  
32 than this chapter.*  
33

EXISTING CHAPTER 21.46 COMMERCIAL ZONES

- 1
- 2 Chapter 21.46
- 3 COMMERCIAL ZONES
- 4 Sections:
- 5 **21.46.050 Purpose.**
- 6 **21.46.100 Permitted structures and uses.**
- 7 **21.46.103 Uses prohibited in the commercial zones.**
- 8 **21.46.105 Project design review.**
- 9 **21.46.110 Limitations on uses – General.**
- 10 **21.46.111 Limitation on uses – Auto-oriented uses.**
- 11 **21.46.112 Limitations on uses – Restaurants.**
- 12 **21.46.113 Limitations on uses – Institutional uses.**
- 13 **21.46.114 Limitations on uses – Medical uses.**
- 14 **21.46.115 Limitations on uses – Office uses.**
- 15 **21.46.116 Limitations on uses – Residential uses.**
- 16 **21.46.117 Limitations on uses – Retail uses.**
- 17 **21.46.118 Limitations on uses – Light industrial uses.**
- 18 **21.46.119 Limitations on uses – Other uses.**
- 19 **21.46.120 General commercial area for controlled uses.**
- 20 **21.46.130 Prohibited uses.**
- 21 **21.46.200 Development standards.**
- 22 **21.46.210 Additional development standards.**
- 23 **21.46.212 Swift Station off-street parking and landscaping.**
- 24 **21.46.220 Transition or buffer strip.**
- 25 **21.46.230 Other transitional requirements.**
- 26 **21.46.500 Repealed.**

1 **21.46.510 Repealed.**

2 **21.46.900 Other regulations.**

3 **21.46.910 Repealed.**

4 **21.46.050 Purpose.**

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

6 1. To regulate the location, height, bulk, and size of buildings constructed for business and commercial  
7 uses, thereby assuring adequate light and air in commercial zones;

8 2. To provide a range of use zones of varying degrees of restrictiveness in the types of businesses  
9 permitted; thereby providing for the development of shopping centers and the various other types of  
10 business and/or commercial areas;

11 3. To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access  
12 to commercial zones by vehicles, and by pedestrians; and

13 4. To encourage general improvement of the appearance of commercial areas.

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

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

20 1. Neighborhood Commercial (B-3). The Neighborhood Commercial zone is intended to provide for  
21 compatible retail, professional, and personal service uses, and offices and services including municipal  
22 services of not more than two stories which generally serve the everyday needs of the residents of the  
23 surrounding neighborhood. Multifamily residential units may be permitted on select B-3 parcels subject  
24 to location (Figure 21.46.1) and a conditional use permit. Neighborhood Commercial zones should be  
25 located:

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

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

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

31 The boundaries between Neighborhood Commercial zones and adjacent residential zones should be well  
32 defined and have significant buffering standards to discourage encroachment into and/or degradation

1 of those residential zones. The size of individual zones should be scaled to the intensity of residential  
2 development in the area.

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

15 3. Community Business (B-1). The purpose of the Community Business zone is to create a diversified  
16 central business area, consisting of retail stores, offices, service establishments, recreation and  
17 entertainment, medical and professional services, and such other activities and uses, including municipal  
18 services, as are common to a central business district. By excluding most uses which rely on outdoor  
19 sales, display or storage, it is intended to encourage the concentration of a maximum variety of indoor  
20 stores and shops within the areas to which this classification is applied, as a contribution to the  
21 convenience of shoppers and patrons. It is recognized that the characteristics of the uses permitted in  
22 this classification produce an environment undesirable for residential purposes, and that the residential  
23 uses in a commercial area may decrease the capacity of business to render maximum services. For these  
24 reasons, most residential uses are excluded from this classification. One exception found to be in the  
25 public interest is housing and/or long-term care for the elderly and the physically disabled who, due to  
26 functional limitations imposed by advanced age and/or physical impairment, benefit from living in close  
27 walking proximity to shopping, transit, medical clinics, and other services. Another exception is specified  
28 parcels located in the Highway 99 corridor as designated on the city of Lynnwood future land use map.  
29 As the convenience of locations and scheduling has advanced with the bus transit system along Highway  
30 99, location of multiple-family housing in the vicinity of the highway creates the opportunity of less  
31 demand for single-family vehicle trips. This multiple-family housing especially when located adjacent to  
32 convenience retail creates a sustainable environment with goods and services located a walkable  
33 distance from compact residential development. Contrary to the typical central business district, which  
34 by being heavily concentrated in a small area is convenient for the pedestrian shopper, but cannot  
35 provide sufficient automobile parking space, it is intended that the central business area shall have  
36 adequate off-street parking through the provision that with each new building, enough spaces are  
37 provided to meet the anticipated parking demands generated by the building, either by ground-level  
38 out-of-doors parking or by parking garages.

39 4. General Commercial (CG). The purpose of the General Commercial zone is to provide for a variety of  
40 commercial, retail, and other uses, including municipal services. These uses are primarily related to auto

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

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

26 Property may only be reclassified to PCD after the comprehensive plan has been amended to designate  
27 the area as appropriate for the PCD zone. A design concept for the area included in each PCD zone shall  
28 be developed simultaneously with a proposal for amending the comprehensive plan to allow PCD in that  
29 zone. The design concept shall indicate major circulation and utility proposals for the zone.

30 Consideration shall be given to internal and external vehicular and pedestrian circulation. The primary  
31 purpose of the design concept is to allow advance consideration of coordinated development of parcels  
32 in the zone. The design concept shall consist of a site plan and textual guidelines for development of the  
33 specific zone. The textual guidelines shall be developed to address specific concerns or attributes of the  
34 individual zone which may not be adequately dealt with in the zoning code. (Ord. 3023 § 1, 2013; Ord.  
35 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1963 § 3, 1993; Ord. 1880 §§ 1  
36 – 7, 1992; Ord. 1686 § 1, 1989; Ord. 1448 § 1, 1985; Ord. 1447 § 4, 1985; Ord. 1140 § 1, 1980; Ord. 522 §  
37 3, 1969)

38 **21.46.100 Permitted structures and uses.**

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

**Table 21.46.01**

Automotive Uses	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	P	–	P*	P	P
Auto Glass Stores	–	–	P	P	P
Auto Lubrication Stores	–	–	P	P	P
Auto Wrecking Yards+	–	–	–	–	C
Automobile Mechanical Repair	–	–	–	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	–	–	–	C	P
Automobile Sales and Display+	–	–	P	P	P
Automobiles, rental or sale on open lot	–	–	P**	–	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, Principal use	C	C	P	P	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, if accessory to a permitted or conditionally permitted use only.	A	A	A	A	A
Battery Exchange Station (Electric Vehicle), Principal use	C	C	C	C	C
Battery Exchange Station (Electric Vehicle), if accessory to a permitted or conditionally permitted use only.	A	A	A	A	A
Battery Service and Sales	–	–	P*	P	P
Car Wash	–	–	–	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	–	–	–	–	P

**Table 21.46.01**

Automotive Uses	B-3	B-2	PCD	B-1	CG
Park and Pool Lots+	C	C	–	C	C
Parking Garages and accessory refueling and servicing	–	P	P	P	P
Public and Private Parking Lots for Passenger Cars	–	C	P	P	P
Service Stations, full, self, or gas+	C***	–	–	C	C
Tire Store, not including recapping	–	–	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	–	–	P	–	–
Tire, Brake, Muffler Tune-Up	–	–	P	P	P

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

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

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

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

9 .

**Table 21.46.02**

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

1

2

**Table 21.46.03**

Eating and Entertainment Uses	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	P	AI	P	P	P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	–	–	P	P	P
Restaurants and Cafeterias providing on-premises service to seated patrons+	P	AI	P	P	P-X
Restaurants, drive-in car service+	–	–	–	P	P-X
Taverns, Bars, and Cabarets	–	–	P	P	P

3

**Table 21.46.04**

Institutional Uses	B-3	B-2	PCD	B-1	CG
Child Day Care+	P	–	P	P	P-X
Churches, not using complementary parking	P	P	P	P	P-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled+	P	C	C	C	C
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P-X
Municipal Services	P	P	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	P	P*	P	P	P-X
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance,	P	C*	P	P	P-X

**Table 21.46.04**

Institutional Uses	B-3	B-2	PCD	B-1	CG
Music, Art and similar schools					

\* Minimum building site of three acres; see also LMC 21.02.175.

1

**Table 21.46.05**

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

\* Excluding outdoor kennels and runs.

2

**Table 21.46.06**

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

3

**Table 21.46.07**

Personal Service Uses	B-3	B-2	PCD	B-1	CG
Banks and other financial institutions	P	P	P	P	P
Personal Service Shops	P*	AI	P	P	P
Dressmaker and Tailoring Shops	P	–	P	P	P

**Table 21.46.07**

Personal Service Uses	B-3	B-2	PCD	B-1	CG
Dry Cleaning and Laundry Plants	–	–	P	P	P
Dry Cleaning and Laundry, Self-Service	P	–	P	P	P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	P	AI	P	P	P
Locksmith	P	–	P	P	P
Pet Grooming	P	P	P	P	P-X

\* Notwithstanding the definition of personal service shops in LMC 21.02.566 or the provisions of Table 21.46.09, in the B-3 zone gymnasiums and health clubs may be up to 5,000 square feet in building area.

1

**Table 21.46.08**

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

2

**Table 21.46.09**

Recreational Activities	B-3	B-2	PCD	B-1	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	–	–	P	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	–	–	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool	–	–	P	P	P-X

**Table 21.46.09**

Recreational Activities	B-3	B-2	PCD	B-1	CG
halls					
Carnivals (see Chapter 5.30)	–	P	P	P	P
Circuses (see Chapter 5.30)	–	P	P	P	P
Dance Halls, licensed+	–	–	P	C	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	–	C	–	C	P
Health Clubs	–	–	P	P	P
Outdoor Ancillary Playground and related equipment	–	–	–	C	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	–	–	–	–	P
Overnight Campgrounds	–	–	–	–	C

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

1

**Table 21.46.10**

Residential Uses	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P
All uses permitted in single-family zones	–	–	P	–	–
Multiple-Family Housing Units+	C*	C	P	–	–
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map)+	–	–	–	P	P

**Table 21.46.10**

Residential Uses	B-3	B-2	PCD	B-1	CG
Caretaker or Watchman Quarters	C	C	–	C	C
Living Quarters for Homeless Mothers+	P	P	P	P	P
Motels and Motor Hotels	–	P	P	P	P-X
Respite Care	P	–	P	P	P

\* One-acre minimum lot size, subject to standards and procedures established in Chapter 21.43 LMC for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum building height is three stories or 45 feet, whichever is less. Also subject to additional screening or privacy measures as determined by the hearing examiner during the conditional use permit process, including but not limited to: distance, architectural design, significant tree cover, significant elevation change, fencing, reduction or elimination of lighting immediately adjacent to single-family uses, and prohibitions on activities immediately adjacent to single-family uses that will create noise, odor or other impacts (i.e., garbage collection areas, recreation areas, parking lots). See Figure 21.46.1.

- 1
- 2
- 3

**Figure 21.46.1**  
**B-3 Parcels Over 1 Acre**  
**(Multi-family uses eligible subject to CUP, height restrictions and**  
**additional privacy measures. See Chapter 21.46 LMC)**



1

**Table 21.46.11**

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

**Table 21.46.11**

Retail Uses	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	P	–	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	P	–	P	P	P
Gift Shops	P	AI	P	P	P
Grocery Stores	P	–	P	P	P
Hardware Stores	P	–	P	P	P
Hobby Shops	P	–	P	P	P
Music Stores and Supplies	P	–	P	P	P
News Stands	P	AI	P	P	P
Office Supplies, not including furniture or equipment sales	P	AI	P	P	P
Pet Shops	P	–	P	P	P-X
Retail Lumber Yards	–	–	–	–	C
Retail Stores not mentioned elsewhere in this section	–	–	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone	P	–	P	P	P
Stationery Store	P	AI	P	P	P
Variety Store	–	–	P	P	P

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

1

**Table 21.46.12**

Light Industrial Uses+	B-3	B-2	PCD	B-1	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extruded, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	P
Cold Storage Lockers	-	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	C
Ice Storage and Dispensing	-	A	-	A	A
Research and Development	-	P	-	P	P
Printing, Publishing, and Binding (no noise beyond the premises)	-	AI	P	P	P
Public Utilities Facilities+	P	-	P	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	C-X
* Inclusive of all aspects of the business.					

**Table 21.46.13**

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

2 +See LMC 21.46.110 through 21.46.119.

Key:

P = Permitted as principal use

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

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

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

- = Not permitted

-X = Not permitted in controlled area

CA = Permitted only in controlled area. See LMC 21.46.120.

1 (Ord. 3140 § 5, 2015; Ord. 3090 § 2, 2014; Ord. 3047 § 5, 2014; Ord. 3023 § 2, 2013; Ord. 3010 § 5 (Exh.  
2 A), 2013; Ord. 2947 § 5, 2012; Ord. 2549 § 1, 2005; Ord. 2490 § 4, 2004; Ord. 2457 § 1, 2003; Ord. 2441  
3 § 14, 2003; Ord. 2388 § 29, 2001; Ord. 2092 § 1, 1996; Ord. 2065 § 7, 1995; Ord. 2052 § 1, 1995; Ord.  
4 2020 § 19, 1994; Ord. 1889 § 4, 1992; Ord. 1879 § 4, 1992; Ord. 1847 § 6, 1991; Ord. 1846 §§ 2, 3, 1991;  
5 Ord. 1781 § 7, 1990; Ord. 1758 § 4, 1990; Ord. 1690 § 2, 1989; Ord. 1685 § 1, 1989; Ord. 1671 §§ 1 – 4,  
6 1989; Ord. 1592 § 4, 1987; Ord. 1575 § 4, 1987; Ord. 1571 §§ 1, 2, 1987; Ord. 1564 §§ 1, 2, 1987; Ord.  
7 1529 § 2, 1986; Ord. 1523 §§ 1, 2, 3, 1986; Ord. 1513 §§ 2 – 6, 1986; Ord. 1502, 1986; Ord. 1489 § 1,  
8 1985; Ord. 1458 §§ 4, 5, 1985; Ord. 1447 § 5, 1985; Ord. 1426 § 3, 1984; Ord. 1360 § 1, 1983; Ord. 1247  
9 § 6, 1982; Ord. 1240 § 3, 1982; Ord. 1218 § 1, 1981; Ord. 1150 § 1, 1980; Ord. 1140 § 2, 1980; Ord. 1119  
10 § 3, 1980; Ord. 1117 § 1, 1980; Ord. 1116 §§ 5, 6, 1980; Ord. 1061 § 2, 1979; Ord. 1016 § 4, 1978; Ord.  
11 984 § 1, 1978; Ord. 950 § 1, 1978; Ord. 927 § 1, 1977; Ord. 911 § 1, 1977; Ord. 869 § 1, 1976; Ord. 838  
12 § 1, 1976; Ord. 728-A § 1, 1973; Ord. 624 § 1, 1971; Ord. 522, 1969)

13 21.46.103 Uses prohibited in the commercial zones.

14 A. Retail sales, production and processing of marijuana and/or marijuana-infused products.

15 B. Medical marijuana collective gardens. (Ord. 3136 § 5, 2015)

16 **21.46.105 Project design review.**

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

21 1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000  
22 square feet.

23 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area  
24 of 5,400 square feet or more.

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

6 C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC  
7 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may  
8 conflict, unless otherwise specified in this chapter.

9 D. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development  
10 project sites within a gateway or prominent intersection location. Such sites shall be subject to  
11 applicable gateway and/or prominent intersection design guidelines identified in the All Districts section  
12 of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any  
13 portion of a project site lies within a gateway or prominent intersection location, then the entire project  
14 shall comply with the applicable design guidelines. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003;  
15 Ord. 2388 § 30, 2001)

16 **21.46.110 Limitations on uses – General.**

17 Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this  
18 section and LMC 21.46.111 through 21.46.119 shall apply.

19 A. General Performance Standards.

20 1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when  
21 received from beyond the property;

22 2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate  
23 any sensation of sound or vibration beyond the property;

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

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

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

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

- 1 1. General Regulations. Any uses and activities which are permitted to occur outdoors by LMC  
2 21.46.100, or by other provisions of this title, subject to the following:
- 3 a. The use or activity shall not encroach on site screening or landscaping as currently required by this  
4 title or other city ordinances;
- 5 b. The use or activity shall not block pedestrian traffic or fire lanes;
- 6 c. The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings,  
7 on sides adjoining public streets, except that such yards may be used for outdoor customer parking and  
8 for other uses and activities which are permitted outdoors;
- 9 d. The highest point of any item displayed within that area shall be not more than six feet in height from  
10 an even grade and at least 10 feet from the right-of-way line; and
- 11 e. Items which, in the opinion of the fire chief, present a potential fire hazard shall be located 15 feet  
12 from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet  
13 apart.
- 14 2. Incidental Outdoor Displays. For uses not included in the foregoing subsection (B)(1) of this section,  
15 incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise  
16 conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and  
17 shall be located in areas underneath marquees, canopies, or overhanging roofs. If no marquees,  
18 canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of  
19 buildings. All limitations specified in subsection (B)(1) of this section shall apply.
- 20 3. Business Serving Customers in Automobiles. Automobile service stations, drive-in restaurants, and  
21 other businesses which primarily service customers in automobiles as an inherent trait of the business  
22 shall not be permitted to store or display merchandise outdoors, except as specified herein and in  
23 subsections (B)(1) and (B)(2) of this section.
- 24 4. Commodities Requiring Outdoor Storage. Commodities which would be damaged if required to be  
25 kept indoors, including but not limited to growing stock in connection with horticultural nurseries,  
26 whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs,  
27 plants, and home gardening supplies and equipment; and public utility facilities (see LMC 21.46.118(B))  
28 are allowed outdoors subject to the provisions of subsection (B)(1) of this section.
- 29 5. At Properties Zoned to the Community Business Zone. The on-site parking and storage of rental  
30 automobiles and light trucks (rated at one ton capacity or less) is allowed; however, such parking and  
31 storage shall be restricted to:
- 32 a. A staging area for a maximum of five vehicles. This area may be located within existing parking lots,  
33 but shall not utilize parking stalls required by LMC 21.18.800 for the uses on the site. The staging area  
34 shall be paved and striped to the standards of Chapter 21.18 LMC and shall be designated for use by  
35 rental vehicles only.

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

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

8 6. Cross Reference. See also LMC 21.46.100.

9 C. On-Site Processing. All products made incident to a permitted use which are manufactured, processed  
10 or treated on the premises shall be sold on the premises only, and at retail only. (Ord. 3010 § 5 (Exh. A),  
11 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1690 § 2, 1989; Ord. 1648 § 2, 1988; Ord. 1217  
12 § 1, 1981; Ord. 854 § 1, 1976; Ord. 616 § 2, 1971; Ord. 522 § 3, 1969)

13 21.46.111 Limitations on uses – Auto-oriented uses.

14 A. Automobile Agencies. New car automobile sales and display room buildings and the repair and  
15 servicing necessary to the business are permitted as an indoor use. In the Community Business zone,  
16 used car sales are permitted accessory to the new car agency as an indoor use, or on an open lot which  
17 does not exceed two times the area of the agency building and which is contiguous to the new car  
18 agency. The used car area shall be other than the required off-street parking area.

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

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

34 2. Development Standards. In addition to any applicable development standards and Lynnwood  
35 Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), development of full-service

1 stations, self-service stations, and gas stations, and convenience stores when combined with any of  
2 these stations, shall comply with the following standards:

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

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

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

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

10 e. Off-Street Parking and Landscaping. Same as Chapter 21.18 LMC except that a 20-foot-wide  
11 landscaping strip shall be required along the street frontage. This 20-foot landscaping strip is in lieu of  
12 the five percent landscaping required in the interior of the parking area. This requirement shall  
13 supersede applicable design guidelines. However, when the service stations described in subsection  
14 (B)(2) of this section are contained within buildings located closer to the street than fuel pump islands,  
15 canopies and parking areas, then a 15-foot-wide street frontage landscape strip shall be required.

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

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

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

22 i. Signs. See LMC 21.16.310 for sign regulations.

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

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

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

32 3. Operation, Supervision, and Maintenance Restrictions.

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

- 1 b. Services rendered, and products stored on the premises and sold there shall be limited in accordance  
2 with the activities included in the definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as  
3 approved by conditional use permit.
- 4 c. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours. Operation of  
5 a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business  
6 accessory to the operation of a full-service station, self-service station, and gas station, shall require a  
7 separate occupancy permit and business license. These uses would only be allowed as an accessory use  
8 if they are permitted in that zone as a separate use. The application for the occupancy permit and  
9 business license shall be accompanied by a site plan, and any vehicles or equipment involved shall be  
10 stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The  
11 development for the accessory use shall meet all applicable city regulations.
- 12 d. All buildings, grounds, and landscaping shall be kept in a constant state of repair and maintenance.  
13 Upon failure to do so, the city shall require repair or replanting as per LMC 21.04.310. Landscape  
14 maintenance shall also comply with applicable Lynnwood Citywide Design Guidelines, as adopted by  
15 reference in LMC 21.25.145(B)(3).
- 16 e. The work station shall be designed so that at least one qualified attendant shall have maximum view  
17 of the fueling areas. For the purpose of this title, a qualified attendant is one who is trained in the  
18 operation of the fuel pump emergency shut-off system.
- 19 f. When a convenience store is combined with a full-service station, self-service station or gas station,  
20 dispensing of fuel shall be subject to electronic control (within arm's reach) of a qualified attendant.
- 21 g. Amusement devices as defined by LMC 5.60.030(A) are not permitted in conjunction with the uses  
22 allowed by this subsection.
- 23 h. All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time  
24 period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of coolers which  
25 store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.
- 26 i. Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall  
27 not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible  
28 from a street and the parking areas.
- 29 4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store.  
30 When a convenience store is combined with an automobile service station, self-service station and/or  
31 gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular  
32 traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the  
33 above.
- 34 5. Effects of Change of Use. The addition of a convenience store to an automobile service station, self-  
35 service station or gas station would constitute a change in use and would require complete compliance  
36 with Chapter 21.12 LMC.

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

3 a. The proposal meets the International Fire Code and International Building Code;

4 b. The proposal meets the standards of this chapter and this title; and

5 c. The proposal meets all other applicable city and governmental regulations.

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

10 C. Park and Pool Lots. Park and pool lots may be permitted by a conditional use permit. In considering  
11 such a conditional use, the hearing examiner shall review all impacts upon the surrounding  
12 neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and  
13 egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and  
14 the location of all buildings with their respective floor areas designated on the drawing. The available  
15 parking stalls to be used for a park and pool lot must be designated on the submitted site plan. Drawings  
16 depicting the proposed signs should also accompany the application. (Ord. 3010 § 5 (Exh. A), 2013; Ord.  
17 2441 § 14, 2003; Ord. 2388 § 31, 2001; Ord. 2310 § 39, 2000; Ord. 2020 § 19, 1994; Ord. 1790 § 7, 1990;  
18 Ord. 1671 §§ 6, 10, 1989; Ord. 1360 § 2, 1983; Ord. 1119 § 4, 1980)

19 21.46.112 Limitations on uses – Restaurants.

20 A. Restaurants. In the Limited Business (B-2) zone, it is intended to permit restaurants for the  
21 convenience of persons employed in the zone. Restaurants are permitted either as an accessory use  
22 within an office building, or as the principal use of a separate site providing it fully occupies a site equal  
23 to the minimum area specified in the development standards. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441  
24 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 522 § 3, 1969)

25 21.46.113 Limitations on uses – Institutional uses.

26 A. Child Day-Care Center.

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

30 a. Any adverse or significant changes, alterations or increases in traffic flow that could create a  
31 hazardous situation as either a direct or indirect result of the proposed activity;

32 b. Any abnormal increase in demand for any public service, facility or utility;

33 c. The size, location, and access of the proposed site; and

- 1 d. Any adverse effects on the standard of livability to the surrounding area.
- 2 2. Requirements. In any case, the approval of the conditional use permit shall include the following  
3 requirements:
- 4 a. The applicant must be state-licensed before the operation of the facility;
- 5 b. Adequate off-street parking must be provided;
- 6 c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square  
7 feet per additional child over 10;
- 8 d. Site and sound screening standards for the outdoor play area must be met;
- 9 e. The applicant must provide off-street access to the facility from the public right-of-way for the  
10 purpose of pickup and delivery of children;
- 11 f. The applicant must indicate the ages of the children to be cared for. (Ord. 3010 § 5 (Exh. A), 2013; Ord.  
12 2730 § 4, 2008; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1844, 1992; Ord. 1489 § 2, 1985)

13 21.46.114 Limitations on uses – Medical uses.

14 A. Veterinarian Clinics. Veterinarian clinics designed for treatment and care of pet animals, such as cats  
15 and dogs, shall be operated by a registered veterinarian. The animals must be confined within a building  
16 which shall have an exterior of masonry construction (or other building materials and/or construction  
17 techniques providing equivalent soundproofing, as approved by the building official); provided, that  
18 openings may be provided for ingress and egress according to fire code regulations and for a customer  
19 entrance of other than masonry construction (or equivalent) if the front entry is isolated from the  
20 balance of the building by a full wall partition. All rooms housing animals shall have mechanical  
21 ventilation adequate to provide an exchange of 50 cubic feet of air per minute per animal housed  
22 therein. The animal runs shall be surfaced with a minimum of two inches concrete or other impervious  
23 materials. Drainage must be away from adjoining properties and should be controlled upon the property  
24 involved. There shall be no cremation or other disposal of animals on the premises or incineration of  
25 refuse. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1878 § 1, 1992)

26 21.46.115 Limitations on uses – Office uses.

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

31 In considering the requested permit, the adequacy of parking shall be of prime consideration. Any  
32 application shall demonstrate provision for anticipated traffic and parking. In the event that congestion  
33 or traffic hazards develop through such use, the community development director may suspend or  
34 terminate the permit upon 30 days' written notice. During the 30-day period, the holder of the permit

1 may request review of the revocation by the city council. The building may be enlarged, but the office  
2 area shall not exceed 25 percent of the total square footage of the building. (Ord. 3010 § 5 (Exh. A),  
3 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 950 § 2, 1978)

4 21.46.116 Limitations on uses – Residential uses.

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

11 B. Multiple-Family Housing.

12 1. Except for properties zoned PCD, dwellings may be permitted in commercial or office buildings on the  
13 fourth floor or higher, provided no more than one-half the floor area of the building (not including  
14 basements) is used for residential purposes. All provisions normally applying to high-rise multiple-family  
15 housing shall apply.

16 2. For properties zoned PCD, dwellings may be permitted on the second floor of buildings or higher;  
17 provided, that:

18 a. General commercial, office, or similar land uses occupy the ground level of the building where the  
19 building faces or abuts a public street.

20 b. Not more than 20 percent of the linear frontage of the ground level that faces a public street may be  
21 used for the entrance, lobby, leasing office, etc., for the building's residences.

22 c. Floor area at ground level limited to general commercial, office, or similar uses shall have a minimum  
23 depth of 30 feet, as measured perpendicular to the building facade, so that the floor area may be  
24 occupiable for nonresidential land uses.

25 d. For development sites where the building is not accessible or visible from the abutting public street,  
26 the community development director may authorize dwellings to be located below the second floor of  
27 the building.

28 3. For properties subject to the provisions of this chapter, development with multifamily dwellings shall  
29 provide a minimum of 40 square feet of on-site recreation area per dwelling. The on-site recreation area  
30 shall consist of a minimum of two of the following:

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

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

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

11 C. Multiple-Family Housing – Highway 99 Corridor in the Community Business (B-1) and General  
 12 Commercial (CG) Zones. Multiple-family housing is permitted in the B-1 and CG zones on specified  
 13 parcels in the Highway 99 corridor as designated on the city of Lynnwood future land use map. Multiple-  
 14 family residential development may be combined with mixed use development subject to the following  
 15 bulk requirements:

Table 21.46.13(a)

Development Level

Development standard	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre
Minimum lot area	None	None
Minimum setbacks*		
Public street	None	None
Interior property lines	None	None
Ground floor residential units+	10 ft.	10 ft.
Minimum sidewalk width along public streets	12 ft.	12 ft.
Maximum lot coverage	35%	None
Maximum building height	50 ft.	90 ft., not to exceed six

Table 21.46.13(a)

Development Level

Development standard	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre
		stories
Minimum dwelling units/acre++	N/A	20 DU/A
Maximum floor-area ratio	1.0	3.0

1 \* See LMC 21.62.450 for development adjacent to a residential zone (Transitional Property Lines).

2 + Applies to residential projects only; setback is from all public rights-of-way, internal circulation  
 3 (vehicle, bicycle, pedestrian), parking areas, or access easement. Alternatively, where vision-obscuring  
 4 glass is installed, the setback may be eliminated.

5 ++ The minimum number of residential units to qualify for this level shall be calculated using the entire  
 6 project site. Where residential development is part of redevelopment of one or more parcels, this  
 7 calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of  
 8 a unit are “rounded up” for this calculation.

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

12 Multiple-family development shall comply with the remainder of the development regulations  
 13 established in Chapter 21.62 LMC, Highway 99 Mixed Use Zone, unless otherwise indicated in Chapter  
 14 21.62 LMC. Stand-alone multiple-family development or mixed use development shall also comply with  
 15 the Design Guidelines for the Highway 99 mixed use zones.

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

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

20 1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in  
 21 this subsection is considered by the hearing examiner and city council, a joint recommendation  
 22 concerning development of the land and/or construction of the buildings shall be prepared by the fire  
 23 and community development departments, specifying the conditions to be applied if approved. If it is  
 24 concluded that the application for a conditional use permit should be approved, each requirement in the

1 joint recommendation shall be considered and any which are found necessary for the protection of the  
2 health, safety, and general welfare of the public shall be made part of the requirements of the  
3 conditional use permit. In any case, the approval of the conditional use permit shall include the  
4 following requirements:

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

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

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

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

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

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

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

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

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

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

4 2. Development Regulations and Standards. Subdivision and zoning development standards for living  
5 quarters for teenage parents shall be the same as for the low density multiple-family residential zone  
6 (RML). Such quarter shall be treated as an R occupancy for fire and building codes. (Ord. 3140 § 6, 2015;  
7 Ord. 3090 § 3, 2014; Ord. 3023 § 2, 2013; Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020  
8 § 19, 1994; Ord. 1988 § 1, 1994; Ord. 1923 § 2, 1992; Ord. 1917 § 2, 1992; Ord. 1888 § 2, 1992; Ord.  
9 1883 § 2, 1992; Ord. 1472 § 2, 1985; Ord. 1447 § 6, 1985; Ord. 522 § 3, 1966; Ord. 285 § 5, 1966)

10 21.46.117 Limitations on uses – Retail uses.

11 A. Convenience Stores. Convenience stores located on the same lot and within the same building and  
12 operated as a single business with full-service, self-service and/or gas station are permitted only by  
13 means of a conditional use permit. Rapid customer turnover is an inherent trait of service stations and  
14 convenience stores. Convenience stores sell alcoholic beverages; full-service, self-service, and gas  
15 stations do not. The proximity of these uses with their conflicting traffic patterns and types of traffic  
16 increases the risk to pedestrian and traffic safety. Additional control over the location of convenience  
17 stores in proximity to said uses is therefore necessary. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2020 § 19,  
18 1994; Ord. 1671 § 9, 1989; Ord. 1592 § 2, 1987; Ord. 1564 § 3, 1987)

19 21.46.118 Limitations on uses – Light industrial uses.

20 A. General.

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

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

29 a. There is a person, corporation, partnership or association with an ownership interest in the business;  
30 and

31 b. Such person, corporation, partnership or association or any combination thereof has an ownership  
32 interest in another business at the same business site or park which has not obtained a conditional use  
33 permit because it uses 10,000 square feet or less of floor space; and

34 c. The combined space of both businesses or uses exceeds 10,000 square feet.

1 B. Public Utility Facilities. This use includes facilities owned by a public utility and directly used in the  
2 performance of a public service but does not include offices or warehouses of a public utility. Public  
3 utility offices and warehouses are permitted in the same zones and on the same basis as other offices  
4 and warehouses.

5 C. Auto Wrecking Yards and Recycling Collection Centers. These uses may be permitted by conditional  
6 use permit. In considering such a conditional use permit application, the hearing examiner shall take  
7 into account all impacts upon the surrounding neighborhood with particular emphasis on visual, noise,  
8 water quality, and dust impacts. Due to the demonstrated tendency of wrecking yards and recycling  
9 collection centers to be visually offensive, such uses should not be located adjacent to residential zoning  
10 or to established business uses of such a low intensity or having such an aesthetic emphasis as to be  
11 adversely impacted by close proximity to a wrecking yard or recycling collection center. The hearing  
12 examiner may prescribe any conditions deemed necessary to minimize the impacts of such uses. (Ord.  
13 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1513 § 7, 1986; Ord. 1458 § 6,  
14 1985; Ord. 1360 § 2, 1983; Ord. 950 § 2, 1978; Ord. 728-A § 2, 1973; Ord. 522 § 3, 1966)

15 **21.46.119 Limitations on uses – Other uses.**

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

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

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

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

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

- 1 2. The applicant shall demonstrate the need for the proposed tower (wireless communications support  
2 structure) to be located near a residential area, the procedures involved in the site selection and  
3 evaluation of alternative sites and existing facilities on which the proposed facility could be located or  
4 co-located;
  - 5 3. A site development plan shall be submitted showing the location, size, screening, and design of all  
6 buildings and structures, including fences, the location, size and nature of outdoor equipment, and the  
7 location, number, and species of all proposed landscaping;
  - 8 4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and  
9 building environment. This includes, but is not necessarily limited to, building design and the use of  
10 exterior materials harmonious with the character of the surrounding neighborhood and the use of  
11 landscaping and privacy screening to buffer the facilities and activities on the site from surrounding  
12 properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks,  
13 etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;
  - 14 5. All wireless communications facilities shall comply with national, state or local standards, whichever is  
15 more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;
  - 16 6. The applicant shall demonstrate a justification for the proposed height of the structures and an  
17 evaluation of alternative designs which might result in lower heights. If additional height over that  
18 allowed in the zone is justified it may be approved by the city; and
  - 19 7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed  
20 facility with other public utility facilities.
- 21 Provided, that this subsection shall not apply to utility facilities located on a property which are  
22 accessory to the property or to the transmission, distribution or collection lines and equipment  
23 necessary to provide a direct utility connection to the property or neighboring properties, or to those  
24 utility facilities located on public right-of-way.
- 25 D. Self-Service Storage Facilities in Commercial Zones. Self-service storage facilities have characteristics  
26 in common with both commercial uses and industrial uses. This subsection provides regulations to  
27 appropriately site self-service storage facilities in certain commercial zones while maintaining the  
28 desired character and function of those zones. In general, self-service storage facilities generate low  
29 levels of vehicular and pedestrian activity and do not contribute to the vitality of a commercial area  
30 compared to other commercial uses. Historically self-service storage facilities have visually resembled  
31 industrial facilities, but some recently constructed facilities have featured designs compatible with  
32 higher quality commercial development. If designed appropriately as stand-alone multistory structures  
33 that emulate the exterior architecture of residential or multifamily or as components located within  
34 larger multistory office or residential structures, self-storage uses may be located without adversely  
35 impacting comprehensive plan goals, zoning district intent or the surrounding neighborhood. Thus self-  
36 storage uses in commercial zones shall adhere to the additional development standards articulated in  
37 this chapter.

- 1 1. Use Regulations.
- 2 a. Where this chapter provides for self-service storage facilities upon property zoned B-1, CG or PCD,  
3 self-service storage facilities are permitted only within multistory structures designed to emulate  
4 multifamily or office buildings.
- 5 b. Where this chapter provides for self-service storage facilities upon property zoned CC or ACC, self-  
6 service storage facilities are permitted as an accessory use, and may occupy no more than 20 percent of  
7 the property's building floor area. With the exception of the business office and loading/unloading  
8 facilities, self-service storage facilities shall not be permitted upon the ground or street level of the  
9 multistory building.
- 10 c. Permitted Activities. The only activities permitted in individual storage units shall be the rental of the  
11 unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be  
12 used for activities such as:
- 13 i. Residences, offices, workshops, studios, hobby or rehearsal areas;
- 14 ii. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances  
15 or other electrical equipment, or any other industrial activity;
- 16 iii. Conducting retail sales of any kind including garage or estate sales or auctions or to conduct any  
17 other commercial activity;
- 18 iv. Storage of flammable, perishable or hazardous materials or the keeping of animals.
- 19 d. Accessory Uses. Accessory uses such as the rental of trucks, trailers or moving equipment (hand carts,  
20 jacks and lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are  
21 permitted only if they are otherwise permitted in the zone in which the facility is located, and shall meet  
22 all use and development standards of the commercial zone.
- 23 e. Hours of Operation.
- 24 i. Self-service storage facilities located in commercial zones shall not operate or allow tenant access  
25 between the hours of 10:00 p.m. and 7:00 a.m. if the site abuts a Class A EDNA, as defined in Chapter  
26 10.12 LMC, Noise.
- 27 ii. The director may permit extended hours of operation if the facility operator demonstrates that due to  
28 facility design or other factors the facility will not have significant noise impacts on the adjacent Class A  
29 EDNA property. The burden of proof is on the facility operator.
- 30 iii. Nothing in this section overrides or supersedes any requirement of Chapter 10.12 LMC and all  
31 restrictions of Chapter 10.12 LMC apply even during allowed hours of operation.

1 f. Outdoor Storage Prohibited. Within commercial zones, all goods and property stored in a self-service  
2 storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc.,  
3 or storage in outdoor storage pods or shipping containers is permitted.

4 2. Development Standards. All development standards of the commercial zone in which the facility is  
5 located apply unless the standard is superseded by regulations in this subsection.

6 a. Storage Units.

7 i. All storage units shall gain access from the interior of the building(s) or site – no unit doors may face  
8 the street or be visible from off the property.

9 ii. If the facility abuts residentially zoned property, the facility loading bays, docks or doors shall not be  
10 visible from the residential property.

11 iii. Electrical service to storage units shall be for lighting and climate control only. No electrical outlets  
12 are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design  
13 that will not allow tapping the fixtures for other purposes.

14 b. Additional standards for self-service storage facilities in the commercial zones as outlined in Table  
15 21.46.13 subject to the following limitations:

16 i. The facility shall be located in a multi-story building.

17 ii. Loading docks, entrances or bays may not be located on a street-facing side of a building and shall be  
18 screened from residential uses.

19 3. Design Standards. Design review shall be required for all new construction and expansions of self-  
20 service storage buildings to ensure the development has a high quality design and is appropriate to the  
21 desired character of the zone it is located in and the adjacent neighborhood. Self-service storage  
22 facilities shall meet the requirements of Chapter 21.25 LMC, Project Design Review, and the following  
23 requirements:

24 a. Fences and Walls. Fences and walls including entry gates shall be constructed of high quality materials  
25 and shall be compatible with the design and materials of the building(s) and site. The design guidelines  
26 for fences and walls and the following provisions shall apply to self-service storage facilities:

27 i. Decorative metal or wrought iron fences are preferred.

28 ii. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks  
29 are prohibited.

30 iii. Fences or walls are not allowed between the main or front building on the site and the street.

31 iv. Street-front landscape areas required by the design guidelines or elsewhere in this code shall not be  
32 fenced.

- 1 b. Ground and Upper Floor Facades. Ground and upper floor facades for self-service storage facility  
2 buildings in commercial zones shall meet the following requirements:
- 3 i. The ground floor transparency requirements of the commercial districts design guidelines shall also  
4 apply to each floor above the ground floor of a self-service storage facility building that is visible from a  
5 street or from a residentially zoned area.
- 6 ii. The ground floor on rear or side facades facing residential areas do not have to meet subsection  
7 (D)(3)(b)(i) of this section if they are effectively visually screened from view from the street or nearby  
8 residential uses by a transition or landscape strip.
- 9 iii. The design guidelines for treating blank walls and for opaque walls in the design shall apply to the  
10 upper floors of self-service storage buildings.
- 11 iv. In order to promote visual compatibility with commercial and multifamily development allowed in  
12 commercial zones, self-service storage facilities buildings shall incorporate architectural and design  
13 features common to commercial and/or multifamily development. Examples of such architectural and  
14 design features include: massing; proportion; facade modulation; exterior building materials and  
15 detailing; varied roof line; pedestrian scale; fenestration; repetition; etc.
- 16 c. Street Entrance. The business office of self-service storage facilities in commercial zones shall have a  
17 pedestrian entrance facing the street.
- 18 i. This entrance shall be considered the “main” or “principal” entrance to the building for purposes of  
19 the design guidelines or other sections of this chapter even if the majority of customers using the facility  
20 enter through loading docks, bays, doors or other side or rear entrances.
- 21 ii. This entrance shall meet the design guideline prominent entrance requirements.
- 22 d. Materials. Self-service storage facility buildings shall be surfaced in high-quality materials. Unfaced  
23 concrete block, painted masonry, tilt-up and pre-cast concrete panels and prefabricated metal sheets  
24 are prohibited. Prefabricated buildings are not allowed.
- 25 e. Design Departures. In addition to the requirements for design departures in Chapter 21.25 LMC, the  
26 director shall find that a request for approval of a design departure will not cause the development or  
27 the use to be inconsistent with the desired character of the zone in which it is located or have negative  
28 impacts on surrounding uses. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2947 § 6, 2012; Ord. 2441 § 14, 2003;  
29 Ord. 2065 § 8, 1995; Ord. 2020 § 19, 1994; Ord. 1963 § 2, 1993; Ord. 1758 § 5, 1990)

30 **21.46.120 General commercial area for controlled uses.**

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

1 establishments and adult retail uses shall be permitted to locate only in CG, and subject to locational  
2 and development standards of this section.

3 A. Location of Controlled Use Area. These regulations apply to all General Commercial zones south of a  
4 line approximately 800 feet south of 212th Street SW between 68th Avenue W and Highway 99 and  
5 south of 212th Street SW, between 67th Avenue W and 68th Avenue W, and between 66th Avenue W  
6 and 67th Avenue W, south of a line varying between 175 and 195 feet north of 212th Street SW as more  
7 particularly set forth below:

8 Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20,  
9 Township 27 North, Range 4 East, W.M.; thence West 679.56 feet; thence North 175 feet to the true  
10 point of beginning; thence West 132.6 feet to a point eight feet East of the East line of Lot 15, Block 6, of  
11 the Plat of Seattle Heights, Division No. 3; thence North 20 feet more or less, to a point eight feet East of  
12 the Northeast corner of said Lot 15; thence West 132.5 feet, more or less, along the North line of said  
13 Lot 15 and the prolongation thereof, to the Northwest corner of said Lot 15; thence continuing West  
14 along the prolongation of said line 30 feet, more or less, to a point which is the intersection with the  
15 centerline of 67th Avenue West; thence South 195.2 feet, more or less, along said centerline to a point  
16 which is the intersection of the centerlines of 67th Avenue West and 212th St. SW; thence West along  
17 the centerline of 212th St. SW to a point which is the intersection of the centerlines of 212th St. SW and  
18 68th Avenue West; thence South along the 68th Avenue West centerline 830 feet, more or less, to the  
19 intersection of the centerline of said right-of-way and the Easterly prolongation of a line located parallel  
20 to and 160 feet South of the North line of Lot 19, Plat of Solner's 5 Acre Tracts; thence West along said  
21 line and the prolongation thereof, to the intersection with the East line of Lot 21, Plat of Solner's 5 Acre  
22 Tracts, said point being 160 feet, more or less, South of the Northeast corner of said Lot; thence North  
23 20 feet, more or less; thence North 89°51'00" West 130.14 feet, more or less, to the East line of the  
24 Highway 99 right-of-way.

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

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

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

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

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

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

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

16 1. Topographical and other features of the land which provide actual separation between the proposed  
17 business or other land use and surrounding land uses;

18 2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and

19 3. Any other fact or circumstance which has a significant effect upon the need for the full separation  
20 distance required by this chapter.

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

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

28 1. Pet grooming, pet shops, and veterinary clinics;

29 2. Churches, libraries, museums, art galleries and similar institutions;

30 3. Schools, including pre-schools, child day care, and nursery school;

31 4. Fountains and ice cream stands, restaurants and cafeterias, drive-in car service, and take-out  
32 restaurants;

33 5. Bakery retail stores and convenience stores;

- 1 6. Hotels/motels and motor hotels;
- 2 7. Indoor amusement enterprises centers, as defined;
- 3 8. Bicycle sale and repair;
- 4 9. Wholesale stores.

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

7 1. Signs. See LMC 21.16.310 for sign regulations.

8 2. Other Standards. The following standards apply to adult establishments in the controlled use area,  
9 and the following standards shall supersede the Lynnwood Citywide Design Guidelines, as adopted by  
10 reference in LMC 21.25.145(B)(3), that may conflict:

11 a. The starting of an adult establishment constitutes a change in use and is subject to the nonconforming  
12 chapter in addition to these development standards;

13 b. Landscaping shall be a wall of trees created by two rows of evergreen conifer trees. The trees shall be  
14 staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within  
15 five years. The minimum tree height shall be six feet. A permanent six-foot site-screening fence shall be  
16 placed on the side and rear property lines;

17 c. All parking areas shall be visible from the street fronting the establishment and shall not allow access  
18 to the rear of any structures;

19 d. The parking areas shall be fully illuminated with street light standards. (Ord. 3010 § 5 (Exh. A), 2013;  
20 Ord. 2441 § 14, 2003; Ord. 2388 § 32, 2001; Ord. 2310 § 40, 2000; Ord. 2020 § 19, 1994; Ord. 1988 § 2,  
21 1994; Ord. 1903 §§ 1, 2, 3, 1992; Ord. 1890 §§ 1, 2, 3, 1992; Ord. 1847 § 2, 1991; Ord. 1846 § 4, 1991;  
22 Ord. 1844 § 11, 1991; Ord. 1811 § 1, 1991)

23 **21.46.130 Prohibited uses.**

24 The following uses shall be prohibited in all commercial zones:

25 A. Heliports and helistops. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2310 § 41, 2000)

26 **21.46.200 Development standards.**

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

28 A. General Area and Dimensional Standards. No building, structure or land shall be established, erected,  
29 enlarged or structurally altered, except in conformance with the following standards and in  
30 conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as

1 adopted by reference in LMC 21.25.145(B)(3) (for purposes of determining the required yards along  
 2 public street, the classification of streets indicated on the comprehensive plan shall apply):

3 **Table 21.46.14**  
 4 **Minimum Standards**

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

5 Key:

6 \* Except where adjoining a residential zone; see LMC 21.46.220 and 21.46.230.

7 + Except that the maximum height within 25 feet of a residential zone is 25 feet; except that multifamily  
 8 is permitted at three stories or 45 feet (whichever is less) on parcels that have a minimum of one acre in  
 9 size, subject to standards and procedures established in Chapter 21.43 LMC for the multiple residential  
 10 medium-density zone (RMM). See Figure 21.46.1 for specific permitted locations.

11 B. Exceptions.

12 1. Repealed by Ord. 3010.

1 2. Repealed by Ord. 2295. (Ord. 3090 § 4, 2014; Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord.  
2 2388 §§ 33, 34, 2001; Ord. 2295 §§ 9, 13, 2000; Ord. 2020 § 19, 1994; Ord. 1343 § 5, 1983; Ord. 1140  
3 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)

4 **21.46.210 Additional development standards.**

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

18 B. Parking.

19 1. Capacity Requirements. For calculating the required number of parking stalls see Chapter 21.18 LMC.

20 2. Landscaping in Parking Areas.

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

22 i. To break up the visual blight created by large expanses of barren asphalt which make up a typical  
23 parking lot;

24 ii. To encourage the preservation of mature evergreens and other large trees which are presently  
25 located on most undeveloped sites in this city;

26 iii. To ensure the preservation of land values in commercial zones by creating and ensuring an  
27 environmental quality which complements the commercial objectives of the respective land.

28 b. Planting at Street Frontages. Development sites with parking areas located only between the sides of  
29 buildings opposite the street and interior property lines shall provide a 10-foot-wide planting area along  
30 the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development  
31 sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-  
32 way, parking areas between buildings or parking areas between buildings and the closest side property  
33 line shall provide a 15-foot-wide planting area along the entire street frontage with the same above  
34 exceptions. Development sites with multi-aisle parking areas located between buildings and the street  
35 right-of-way shall provide a 20-foot-wide planting area along the entire street frontage with the same

1 above exceptions. Planting shall consist of ornamental landscaping of low plantings and high plantings.  
2 The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species.  
3 Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet  
4 where necessary to prevent sight obstruction. The required trees in this planting area may be located  
5 within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design  
6 Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works  
7 department. Low evergreen plantings, or a mixture of low evergreen and deciduous plantings with a  
8 maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover within two  
9 years.

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

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

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

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

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

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

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

34 f. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible  
35 to obtain a higher degree of continuity in landscaping from property to property than is provided for  
36 here, the city council, upon recommendation by the planning commission, may designate specific street

1 frontage landscaping plans for those streets. See Chapter 21.06 LMC. (Ord. 3010 § 5 (Exh. A), 2013; Ord.  
2 2441 § 14, 2003; Ord. 2388 § 35, 2001; Ord. 2020 § 19, 1994; Ord. 1770 § 13, 1990; Ord. 1461 § 2, 1985;  
3 Ord. 1424 § 2, 1984; Ord. 1253 §§ 3, 4, 1982; Ord. 1241 § 3, 1982; Ord. 854 §§ 2, 3, 1976; Ord. 575 § 1,  
4 1970; Ord. 522 § 3, 1969; Ord. 464 § 3, 1969; Ord. 407 § 2, 1968)

5 **21.46.212 Swift Station off-street parking and landscaping.**

6 In calculating and applying the parking stall and landscaping requirements of this title, the parking stalls  
7 and landscaping that are replaced by a transit station and related improvements of the Snohomish  
8 County Public Transportation Benefit Area dba Community Transit, also known as a Swift BRT station,  
9 pursuant to the development agreement between the City and Community Transit dated August 20,  
10 2008, shall be included within the calculation and application of such requirements. The replacement of  
11 a portion of a parking stall shall be deemed to be a replacement of the entire parking stall. In any  
12 application for a building or other permit for construction of such transit station and related  
13 improvements, Community Transit shall provide photographs of the parking stalls and landscaping that  
14 will be replaced by the transit station and related improvements, or such other evidence of the parking  
15 stalls and landscaping that is acceptable to the community development director. (Ord. 3010 § 5 (Exh.  
16 A), 2013; Ord. 2772 § 1, 2009)

17 **21.46.220 Transition or buffer strip.**

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

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

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

30 C. Minimum Standards.

31 1. Planting and Fencing.

32 a. Where a Property Zoned to Any Commercial Zone is Adjacent to a Property Zoned Single-Family  
33 Residential. The purpose of this landscaping is to provide a sight, sound, and psychological barrier  
34 between zones with a high degree of incompatibility. This planting strip shall be at least 20 feet in width  
35 and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a

1 maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum  
2 tree height shall be six feet. A permanent six-foot site-screening fence shall be placed at the property  
3 line.

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

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

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

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

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

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

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

27 D. Fence Regulations.

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

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

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

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

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

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

17 Anyone may appeal a determination regarding an exception by the director under this subsection by  
18 filing a written statement of the reason(s) for the appeal with the community development department.  
19 Such an appeal shall be processed pursuant to Process II (LMC 1.35.200 et seq.). (Ord. 3010 § 5 (Exh. A),  
20 2013; Ord. 2451 § 3, 2003; Ord. 2441 § 14, 2003; Ord. 2388 § 36, 2001; Ord. 2020 § 6, 1994; Ord. 1881  
21 § 4, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord.  
22 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970;  
23 Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190 Art. X  
24 §§ 10.6, 10.7, 1964)

25 **21.46.230 Other transitional requirements.**

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

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

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

35 Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a  
36 multiple-family residential zone the minimum side yard setback shall be 15 feet and the minimum rear

1 yard setback shall be 25 feet. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994;  
2 Ord. 1343 § 5, 1983; Ord. 1140 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)

3 **21.46.500 Commercial signage.**

4 Repealed by Ord. 2310.\* (Ord. 2295 §§ 8, 12, 2000; Ord. 2020 § 19, 1994; Ord. 1688 § 1, 1989; Ord.  
5 1629, 1988; Ord. 1607 §§ 9, 16, 1987; Ord. 1590 §§ 4, 5, 1987; Ord. 1575 § 6, 1987; Ord. 1411 § 1, 1984;  
6 Ord. 1348 § 11, 1983; Ord. 1116 §§ 1 – 4, 1980; Ord. 1061 § 1, 1979; Ord. 1016 §§ 2, 3, 1978; Ord. 610  
7 § 2, 1971)

8 \*Code reviser’s note: Ord. 2310 repeals this section and adds Chapter 21.16 LMC which provides for sign  
9 regulations.

10 **21.46.510 Real estate signs.**

11 Repealed by Ord. 2310.\* (Ord. 2020 § 19, 1994; Ord. 1688 § 1, 1989; Ord. 1411 § 1, 1984; Ord. 1348  
12 § 11, 1983; Ord. 1116 §§ 1 – 4, 1980; Ord. 1061 § 1, 1979; Ord. 1016 §§ 2, 3, 1978; Ord. 610 § 2, 1971)

13 \*Code reviser’s note: Ord. 2310 repeals this section and adds Chapter 21.16 LMC which provides for sign  
14 regulations.

15 **21.46.900 Other regulations.**

16 A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse and  
17 recycling collection areas shall be provided on sites where new buildings are being constructed or  
18 existing buildings are being remodeled or expanded, and shall comply with the requirements of this  
19 section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the  
20 requirements of this section.

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

25 a. Set back a minimum of 25 feet from a public street;

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

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

30 2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high  
31 sight-obscuring fence which uses building materials, color, and design details similar to the primary  
32 buildings on the site and a six-foot-high gate on one side. The height of the enclosure may include the  
33 height of a surrounding slope or berm (height measured from bottom inside edge of the collection area).

1 The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure  
2 includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of  
3 containers and material inside the collection area. An alternative design may be approved if it is  
4 determined that such alternative would provide equal or better screening, architectural compatibility,  
5 and containment.

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

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

10 B. Procedural Requirements for Proposed Rezoning to the Neighborhood Commercial Zone. The  
11 minimum and maximum area specified in LMC 21.46.200(A) shall apply to all future rezones to the  
12 Neighborhood Commercial zone (B-3).

13 In addition, the applicants shall provide such market information as may be required by the planning  
14 commission or city council in determining whether the proposed development will promote the general  
15 welfare of the city. Businesses which are nonconforming in another zone but which would be  
16 conforming if zoned Neighborhood Commercial may be rezoned Neighborhood Commercial without  
17 regard to the minimum and maximum area, upon a finding that such a rezone would be in the public  
18 interest and/or the businesses in question would be consistent with the general intent of the  
19 Neighborhood Commercial zone.

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

22 1. Plans. Shopping centers or other multistore retail developments in the Community Business and  
23 General Commercial zones shall be subject to the same site plan and utility plan requirements as are  
24 required in the Neighborhood Commercial zone. The plan shall include a landscaping plan as per LMC  
25 21.46.210(B); provided, however, that an alternate arrangement to LMC 21.46.210(B)(2)(d) may be  
26 approved by the planning commission if it finds that the alternate plan would be more effective in  
27 meeting the stated objectives of LMC 21.46.210(B).

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

32 D. Cooperative Development of Adjacent Properties in Commercial Zones and Nonresidential Projects  
33 Developed in Zones Other Than Commercial Zones, Except the Planned Regional Center Zone. It is  
34 hereby declared to be the policy of the city to encourage in the zones referred to in this caption  
35 adjoining properties that are so situated as to be developed or redeveloped through cooperative plans  
36 for access, egress, and parking facilities to do so by a relaxation of the total parking requirements for

1 such properties. Property owners desiring to take advantage of said policy may submit detailed plans to  
2 the city, and if such plans are approved by the appropriate city departments, the required off-street  
3 parking for each respective parcel may be reduced by twice the number of stalls that could be  
4 accommodated by the actual square footage of land provided by each respective parcel for a common  
5 driveway, provided:

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

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

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

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

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

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

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

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

27 F. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of nonconforming  
28 uses. (Ord. 3010 § 5 (Exh. A), 2013; Ord. 2441 § 14, 2003; Ord. 2388 § 37, 2001; Ord. 2020 § 19, 1994;  
29 Ord. 1911 § 2, 1992; Ord. 1790 § 4, 1990; Ord. 1686 § 2, 1989; Ord. 1359 § 4, 1983; Ord. 963 § 1, 1978;  
30 Ord. 522 § 3, 1969)

31 **21.46.910 East 196th PCD overlay regulations.**

32 Repealed by Ord. 2441. (Ord. 2388 § 38, 2001; Ord. 2310 § 43, 2000; Ord. 2020 § 19, 1994; Ord. 1948  
33 §§ 1 – 7, 1993)

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