

## **AGENDA**

### **Lynnwood Planning Commission**

#### **Meeting**

**Thursday, March 10, 2016 — 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. February 25, 2016 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. Omnibus Code Amendments (CAM-003628-2016) – Amendments to Chapters 19.35, 21.02, 21.10, 21.16 and 21.60

**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  
February 25, 2016 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Chad Braithwaite, Chair	Paul Krauss, Comm. Devt. Director
Robert Larsen, First Vice Chair	Todd Hall, Planning Manager
Maria Ambalada	Gloria Rivera, Senior Planner
Richard Wright	
<b>Commissioners Absent:</b>	<b>Other:</b>
Michael Wojack (excused)	Councilmember George Hurst
Doug Jones (excused)	

**Call to Order**

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

**Approval of Minutes**

**1. Approval of minutes of the January 28, 2016 Meeting**

Chair Braithwaite noted a correction on line 9. This should be “**Chair Braithwaite.**”

**Motion** made by Commissioner Larsen, seconded by Commissioner Ambalada, to approve the January 28, 2016 Planning Commission minutes as amended.

**Motion** passed unanimously (4-0).

**Citizen Comments**

None

**Public Hearing**

None

**Work Session**

**1. Amendments to Chapter 21.46 LMC (Commercial Zones)**

Senior Planner Gloria Rivera reviewed proposed changes to the use tables and text related to commercial zones as contained in the Planning Commission packet starting on page 9. She explained that this is a work in progress.

1 Commissioner Ambalada asked why the Council returned several items to the  
2 Planning Commission. Chair Braithwaite recommended deferring this topic to the  
3 *Commissioners Comments* portion of the meeting.

4  
5 Commissioner Larsen noted this is very detailed. On table 21.46.01 he  
6 recommended changing the name from *Automotive Sales* to *Automotive*  
7 *Sales/Service/Repair* to more accurately reflect the broader content. He asked if  
8 mobile food trucks would be listed under 21.46.03 on page 14. Director Krauss  
9 replied that mobile food trucks weren't listed because they haven't come to the  
10 Planning Commission yet. He acknowledged that Lynnwood's code is unusually  
11 cumbersome and difficult to interpret. Commissioner Larsen referred to page 17  
12 under *Residential Uses* and suggested clarifying "incidental". He said he likes the  
13 concept of approval by director, but recommended having an occasional report  
14 by the director of decisions that are made that aren't accounted for by the code.  
15 He also asked about a particular retail outlet that appears to be an "adult use" up  
16 and down Highway 99. Director Krauss discussed his personal experience in  
17 trying to enforce codes with that particular store when he was in Auburn. He  
18 explained that since some access was regulated it wasn't considered an adult  
19 use. He explained that Lynnwood does not have the ability to say no to adult  
20 uses; they can only limit the locations.

21  
22 Chair Braithwaite asked about just calling B1 "B" since there is only one item in  
23 that category now. Senior Planner Rivera agreed it could be called something  
24 else. Director Krauss recommended reconsidering the name. Chair Braithwaite  
25 referred to 21.46.11 regarding retail and asked if there is an area that allows  
26 retail above 5,000 square feet. Senior Planner Rivera explained that the 5,000  
27 square feet size would apply to the B1 zone.

28  
29 Senior Planner Rivera asked commissioners to contact her with any comments  
30 they might have.

## 31 32 **2. Amendments to Chapter 21.57 LMC (College District Mixed Use)**

33  
34 Senior Planner Rivera reviewed the proposed amendments to the College  
35 District Mixed Use zone. Generally, staff is recommending that:

- 36 • The College District Overlay be eliminated and replaced by the College  
37 District Mixed Use zone;
- 38 • The zoning regulations and standards for the College District Mixed Use  
39 zone be updated to incorporate more of the uses currently allowed in the  
40 Overlay Zone;
- 41 • The Comprehensive Plan map be amended to apply the Mixed Use  
42 designation to additional properties;
- 43 • The zoning map be amended to apply the College District Mixed Use zone  
44 to additional properties; and

- The Future Land Use Map be amended to remove the Mixed Use designation from the college campus to Parks, Recreation, and Open Space

Commissioner Ambalada stated she was very uncomfortable discussing replacing the current code with these amendments without consulting the community college and the people that live in the area. She recommended getting public comment on this. Director Krauss stated that the City has been working with the community college over the last couple years, even as recently as Monday, to get the code to this point. As far as the public goes, the City has to have something to present to the public before asking for their input. Commissioner Ambalada thought it would be better to consult the public first. She thinks this is the reason people don't attend the public meetings.

Commissioner Larsen asked about plans for student housing to the west of the campus. Director Krauss explained that the college has purchased more land around the college, and they say what they have now is adequate to accommodate the campus's needs. The biggest pending project they have with the state is the Science Engineering & Technology building which will be to the west of the dorms. Director Krauss commented that after learning that the college won't be expanding any further off-campus, the City was able to deduce that the college's plans don't have a significant impact on what the City would propose off-campus. Commissioner Larsen referred to the current and proposed zoning maps and stated this addresses his concerns about the overlay. He suggested considering the possibility of a high-rise opportunity in there. He wondered if they really even need a minimum lot size. Finally, regarding Commissioner Ambalada's concerns about outreach, he asked suggested holding an open house in coordination with the college. This might also be a time to have an early public meeting for the Planning Commission on the community college site.

Commissioner Ambalada commented that senior citizens living alone are being bullied and approached to rent rooms to students. This is why the City must look at what the situation is there before changing the code. Senior Planner Rivera noted that one of the areas of input the City has had on this code is from single-family homeowners whose property is zoned multi-family. It has been very frustrating for them which is why the City wrote in the provision that people could expand their homes. Commissioner Ambalada noted that in Everett the historic Irish cottages were demolished for Providence Hospital, and the residents were not involved in the planning.

### **3. Sustainable Lynnwood**

Planning Manager Todd Hall gave an overview of the Sustainable Lynnwood project which is part of the larger Healthy Communities project. Community Development is working with Parks on this one facet of Healthy Communities. He reviewed staff actions to date as they relate to sustainability. The City may be

1 creating an action plan similar to the City of Sammamish's action plan (contained  
2 in the packet starting on page 85). He noted that the City is in the beginning  
3 stages of this effort and asked commissioners to provide comments and  
4 suggestions as they come up.

5  
6 Commissioner Larsen said he was impressed, but encouraged staff to package  
7 this in a way that it doesn't scare people off. He recommended doing further  
8 research on the value of electric versus hybrid cars before deciding on a course  
9 of action. Regarding housing, he suggested doing an analysis of energy  
10 consumption in Lynnwood with its aging housing stock and coming up with minor  
11 changes that could be done to get big results. He noted that the challenge with  
12 this is that the homes are privately owned. Planning Manager Hall commented  
13 that staff put a few of the goals and policies in the existing Comprehensive Plan  
14 mentioning PUD and their programs. He agreed that there may be some  
15 opportunity in the future for the City to collaborate the PUD to help aging homes  
16 to upgrade.

### 17 **Other Business**

18  
19  
20 None

### 21 **Council Liaison Report**

22  
23  
24 Councilmember Hurst had the following comments:

- 25 • He reminded commissioners to exercise caution when using email for  
26 communicating comments with staff due to the Open Public Meeting Act  
27 regulations.
- 28 • The City Council is looking at consistency among boards and  
29 commissions relating to term lengths and attendance requirements.

### 30 **Director's Report**

31  
32  
33 Director Krauss had the following comments:

- 34 • He referred to Councilmember Ambalada's earlier question and noted that  
35 the Council held three public hearings on Monday night for: fee simple  
36 lots, the new lighting code, and parking requirements for schools. The  
37 Council had good discussion on several of those, but they deferred them  
38 to their meeting on March 14 at which time it is expected that all three  
39 ordinances will pass. Staff was asked to consider a couple things that  
40 were relatively minor such as the lighting zone that mobile home parks are  
41 in.
- 42 • The City is waiting for Lynnwood Place to submit new plans for the south  
43 side of the project along 184<sup>th</sup> Street. The original plan was not meeting  
44 the developer's expectations for today's market, and they wanted to  
45 propose something else. The developer has come up with some initial  
46 proposals that staff found unsatisfactory, but they have since come up

1 with a proposal that may be workable. The apartment complex would have  
2 approximately 550 units with parking at the core so it would not be visible  
3 from the street. It would also have about 160-170,000 square feet of retail  
4 on the first floor which would be constructed on a platform at street level.  
5 The proposal would not come back to the Planning Commission, but it  
6 would have to go back through a public process at the City Council  
7 because the Development Agreement would have to be amended.

- 8 • He is serving on a board working with Trinity Lutheran Church, Volunteers  
9 of America, and The Boys and Girls Club on a proposal for a community  
10 services center in Lynnwood. Rick Steves is providing the land and  
11 funding the site investigations and initial architectural detailing. He has  
12 also offered the first \$2 million of what may be a \$12-14 million project.
- 13 • Sound Transit 3, which will go from Lynnwood to Everett, is moving  
14 forward. Lynnwood has been a proponent of not running up I-5, but  
15 deviating to Paine Field and serving Boeing and the industrial complex  
16 around it. The plans are supposed to be finalized by the Sound Transit  
17 Board by the end of next month so it can go to the voters in November.  
18 Lynnwood has planned for three stations – City Center Station, Alderwood  
19 Mall, and 164<sup>th</sup>/Ash Way (not currently in city limits). Sound Transit has  
20 asked the City to see if Lynnwood could go with a single station instead of  
21 the City Center and the Alderwood Mall stations. Staff is working to see if  
22 that is possible.
- 23 • Lynnwood is on the verge of creating a Human Services Commission  
24 which is an effort to deal with homelessness. It should be up and running  
25 in the next couple months.

## 26 27 **Commissioners' Comments**

28  
29 Commissioner Larsen asked how Christmas traffic worked this year with the  
30 addition of Costco. Director Krauss reported it worked very well and was even an  
31 improvement from years past. Commissioner Larsen asked about the status of  
32 annexation and the impact of that on HUD money available. Director Krauss  
33 replied that the population threshold is 50,000 so the City is getting closer. The  
34 City has had ongoing conversations with the Council about annexation. The  
35 issue is not if, but when, and that is dependent on resolution of issues with Fire  
36 District 1.

## 37 38 **Adjournment**

39  
40 The meeting was adjourned at 8:37 p.m.

41  
42  
43  
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45 \_\_\_\_\_  
Chad Braithwaite, Chair

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**Topic: Omnibus Code  
Amendments – Title 19 and 21  
LMC**

Agenda Item: E.1

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

**Staff Report**

Staff Contacts: Todd Hall, Planning Manager; Michele Szafran, Associate Planner, Community Development

**Summary**

The purpose of this agenda item is to introduce draft legislation making several amendments to Title 19 LMC and Title 21 LMC. The Municipal Code sections covered in this ordinance include the following:

1. 19.35.010 (Subdivision Design Standards)
2. 21.02.150 (Definitions)
3. 21.02.350 (Definitions, new definition)
4. 21.10.100 (Fence, Hedge and Vision Obstruction Regulations)
5. 21.16.320 (Signs)
6. 21.60.100 and .400 (City Center Zones)

**Action**

Receive input from the Commission on the proposed amendments. After deliberation on the proposed amendments, schedule a public hearing on the amendments at a future meeting.

**Background**

The Lynnwood Municipal Code was adopted circa 1960 (Ordinance 24) and has been amended on an ongoing basis. During that time, staff has reviewed the code and has proposed amendments that have improved benefited the health, life and safety of Lynnwood residents, as well as provided for improvements that benefit the development community.

**19.35.010 – Subdivision Design Standards**

Corrects inadvertent error to this section that now gives authority to Hearing Examiner rather than City Council. Ordinance 2957 repealed the code sections that gave authority to City Council for decisions regarding preliminary plats. That authority has now been given to the Hearing Examiner.

**21.02.150 – Building Line definition**

Amending the definition to include where the building line (setback) is measured from, adding additional features for exception to the rule, and providing for further clarification.

21.02.350 – Floor Area Ratio (new definition)

Add new definition of floor area ratio and how to calculate FAR.

21.10.100 – Fence and hedge standards

Amendment to allow for two-foot adornment on top of a six-foot fence. This has been a code interpretation by the Director since 2013.

21.16.320 – Signs in the planned regional shopping center zone.

Amendment to allow for ground, monument and pole signs in PRC zone, similar to those in other zones. Since the adoption of this code section, staff has interpreted this section to mean that only shopping center identification signs are permitted for monument and pole signs and because they are not specifically listed, multi-tenant signage within the PRC zoning district is not permissible. However, recent State and Federal cases, specifically Reed v. Town of Gilbert, AZ (June 2015), has determined that content-based signage, such as regulated by this chapter, does not meet the strict requirements showing that the regulation is necessary to serve the public's interest with regards to health, life and safety. The City Attorney has recommended that this chapter be changed to reflect this case law.

21.60.100 – Floor Area Ratio

Amendment to further defined floor area ratio within the City Center.

21.60.400 – Floor Area Ratio table

Amendment, based on case law, to correct what is excluded from the calculation of floor area ratio for projects within City Center.

**Previous Planning Commission / City Council Action**

None.

**Adm. Recommendation**

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

**Attachments**

1. Draft Ordinance



**CITY OF LYNNWOOD**

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

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 19.35.010, AMENDING A DEFINITION AND ADDING A NEW DEFINITION TO CHAPTER 21.02, AMENDING LMC 21.10.100 AND 21.16.320, 21.60.100 AND 21.60.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

WHEREAS, from time to time, it is appropriate to amend the City's land use and development regulations in order to improve efficiency and draft effective application of legislation enacted by Ordinance by the City Council; and

WHEREAS, on the \_\_\_\_ day of March, 2016, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the \_\_\_\_ day of April, 2016, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_, 2016, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided herein; and

45 WHEREAS, on the \_\_\_\_ day of \_\_\_\_, 2016, the Lynnwood City Council held a  
46 public hearing on proposed amendments to the Lynnwood Municipal Code provided by  
47 this ordinance, and all persons wishing to be heard were heard; now, therefore:  
48

49 WHEREAS, the City Council finds the provisions of this Ordinance to be in the  
50 best interest of the health, safety and welfare of the community; and  
51

52  
53 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
54 ORDAIN AS FOLLOWS:  
55

56 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City  
57 Council finds that the amendments contained herein are: a) consistent with the  
58 comprehensive plan; and b) substantially related to the public health, safety, or welfare;  
59 and c) not contrary to the best interest of the citizens and property owners of the city of  
60 Lynnwood.  
61

62 **Section 2. Amendment.** LMC 19.35.010 is hereby amended to read as follows:  
63

64 B. Blocks shall meet the following requirements:  
65

66 1. The length of blocks shall not exceed 1,320 feet;

67 2. In any block exceeding 500 feet in length, walks or pedestrian ways at a mid-  
68 block point shall be required in order to encourage walking in between residential  
69 subdivisions. Pedestrian walkways may be required to provide circulations or access to  
70 school, playgrounds, shopping centers, etc. The walks or pedestrian ways shall be  
71 provided in a public easement of which shall be at least 10 feet in width and designed to  
72 the specifications of the public works director;

73 3. Lots and blocks intended for commercial and industrial use shall be designed  
74 specifically for such purposes, with adequate space provided for off-street parking,  
75 loading, and delivery. In order to assist review of the proposed development, the ~~city~~  
76 ~~council hearing examiner~~ may require a preliminary site plan, a preliminary floor plan, or  
77 a preliminary landscaping plan to ensure that the platted area is adequate and will not  
78 create a need for future variances;

79 4. The ~~city council~~ hearing examiner may grant an exception to the requirements  
80 of this subsection if it finds that complying with these requirements would result in  
81 improvement traffic calming and/or pedestrian circulation.

82 **Section 3. Amendment.** Chapter 21.02.150 is hereby amended to read as follows:  
83

84 **LMC 21.02.150 Building line.** "Building line" means a line, established by law,  
85 measured from the right-of-way, or from an abutting property line, beyond which a

86 building or structure shall not extend except for cornices, eaves, gutters, chimneys, or  
87 ~~one-story bay or garden windows, ornamental features or similar structures~~ projecting  
88 not more than two feet; and open patios or decks no exceeding three feet in height  
89 above the average grade. When two different standards apply to front, rear or side  
90 setbacks, the more restrictive setback shall be applied.

91  
92  
93 **Section 4. Amendment.** Chapter 21.02 LMC is hereby amended by adding the  
94 following definition for “Floor Area Ratio”, creating a new number LMC 21.02.350.

95  
96 **LMC 21.02.350 Floor Area Ratio.**

97 “Floor area ratio (FAR)” means the gross floor area of all buildings or structures on a lot  
98 divided by the total lot area. For example, a 5,000 square foot building on a 5,000  
99 square foot lot has a floor area ratio of 1.0 or 100% while the same building on a 10,000  
100 square foot lot would have a FAR of .50 or 50%. The FAR is used in calculating the  
101 building intensity of a development project.

102  
103 **Section 5. Amendment.** LMC 21.10.100 is hereby amendment to read as follows:

104  
105 **21.10.100 Fence and hedge standards.**

106 The following regulations shall apply to all fences, hedges, and other vision-obscuring  
107 structures:

108 A. Height and Composition of Fences and Hedges, and General Standards.

109  
110 1. Vision-Obscuring Fences and Hedges. “Vision-obscuring fences and hedges”  
111 shall mean solid or partially open fences and hedges more than three feet in height, but  
112 not exceeding six feet in height or eight feet in height with an attached adornment (i.e.  
113 arbor, trellis, or other decorative features attached on the top of a fence) in residential-  
114 zoned areas and eight feet in height in commercial-zoned areas. Maximum height shall  
115 be measured from the elevation of the ground adjacent to the fence or hedge on the  
116 higher side.

117 2. Non-Vision-Obscuring Fences and Hedges. “Non-vision-obscuring fences and  
118 hedges” shall include solid or partially open fences and hedges not exceeding three  
119 feet, and open fences not exceeding six feet in height or eight feet in height with an  
120 attached adornment in residential zones and eight feet in commercial zones. “Open  
121 fences” shall mean those fences consisting of open chain link, widely spaced board rails  
122 or other materials which provide adequate driver visibility through the fence. Rail fences  
123 shall consist of horizontal rails not more than four inches wide and at least one foot  
124 between rail edges. Deviation from horizontal rails and from these dimensions may be  
125 allowed, providing the applicant can demonstrate to the satisfaction of the appropriate  
126 city officials that such deviation will provide at least as much visibility through the fence.  
127 Maximum height shall be measured from the elevation of the ground adjacent to the

128 fence on the higher side; however, within sight distance triangles (see subsections  
129 (B)(1)(b) and (B)(1)(c) of this section) maximum height of solid or partially open fences  
130 and hedges not exceeding three feet shall be measured from the elevation of the street  
131 adjacent to such sight distance triangle.

132 3. Maintenance. All fences and hedges shall be maintained in a condition of repair  
133 so as not to be dangerous to human life or a danger to the property.

134 4. Conflicting Limitations. Where the limitations of this chapter conflict with site-  
135 screening or fencing required by this or other city ordinances, requirements relating to  
136 the site-screening and other required fences shall apply, subject only to adequate  
137 provisions for driver visibility.

138 5. Continuous Fencing Along Streets. Where continuous fencing along a street  
139 between intersections is allowed due to the length and/or number of side and/or rear lot  
140 lines abutting that street, landscaping shall be required between the fence and the  
141 property line in order to mitigate the adverse aesthetic impacts of such fencing. Where  
142 such landscaping is required, the fence may be built along the property line except for  
143 offset sections to contain the landscaping.

144 Such landscaping shall consist of ornamental landscaping of low plantings and high  
145 plantings. The minimum height of trees shall be eight feet for evergreen trees and 10  
146 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with  
147 branches eliminated to a height of six feet where necessary to prevent vision  
148 obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous  
149 plantings with a maximum height of 30 inches, in bark or decorative rock, shall be  
150 provided so as to achieve 50 percent groundcover within two years.

#### 151 B. Location of Fences and Hedges.

152 1. Residential Zones. Non-vision-obscuring fences and hedges may be located on  
153 any portion of a residential-zoned lot. Vision-obscuring fences and hedges may be  
154 located on portions of a residential-zoned lot other than the following:

155 a. Within 15 feet of the front lot line.

156 b. Within a triangular area at street intersections. Such "intersection sight  
157 distance triangle" is defined as having two sides of 30 feet, measured along  
158 the property lines from the property corner at the street intersection, and a  
159 third side connecting the ends of the two aforementioned sides.

160 c. Within a triangular area adjacent on one side to a street, and on a second  
161 side to a property having frontage on and requiring access from that street.  
162 Such "driveway sight distance triangle" is defined as having two sides of 15

163 feet measured along the property lines from the property corner common to  
164 the subject and adjacent property, and a third side connecting the end points  
165 on the two aforementioned sides. If any adjacent lot is undeveloped, it shall be  
166 construed as having access from all adjacent streets until the direction of  
167 access has been established, either by development or by waiver of right of  
168 direct access as per RCW 58.17.165.

169 However, fences, walls and hedges between three and six feet in height or  
170 fences up to eight feet in height with an attached adornment that comply with  
171 applicable design guidelines may be located in any portion of a multiple-family  
172 residential-zoned lot as long as they are not located within intersection and  
173 driveway sight distance triangles, do not obstruct driver and pedestrian  
174 visibility, comply with applicable Lynnwood Citywide Design Guidelines, as  
175 adopted by reference in LMC 21.25.145(B)(3), and are approved through  
176 project design review (Chapter 21.25 LMC).

177 2. Commercial Zones. In commercial zones, vision-obscuring or non-vision-  
178 obscuring fences or hedges up to eight feet in height may be located on side and rear  
179 property lines and within side and rear yards, but not nearer to any public street than a  
180 point equal to the closest part of any building thereon to that street.

181 However, fences, walls and hedges up to six feet high that comply with applicable  
182 design guidelines may be located in any portion of a commercial-zoned lot as long as  
183 they are not located within intersection and driveway sight distance triangles, do not  
184 obstruct driver and pedestrian visibility, comply with applicable Lynnwood Citywide  
185 Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved  
186 through project design review (Chapter 21.25 LMC).

187 C. Referrals to Hearing Examiner. Any fence or wall approved through project design  
188 review (Chapter 21.25 LMC) does not have to be approved by the hearing examiner.

189 The hearing examiner may review applications for fence permits in the following  
190 situations:

191 1. Appeal. As an appeal of an administrative determination when:

192 a. An applicant proposes a fence which he/she believes meets the stated  
193 purpose of this section, but does not strictly conform to the regulations;

194 b. City staff believes that a proposed fence, while meeting regulations, may still  
195 obstruct visibility to such an extent that hazardous conditions would exist; or

196 c. There is a disagreement between staff and an applicant regarding  
197 interpretation of the fence and hedge regulations.

198 In such cases, the hearing examiner may stipulate standards for fence composition,  
 199 height, and location.

200 2. Variance. As a variance, when an applicant believes the regulations of this  
 201 chapter cause hardship.

202 **Section 6. Amendment.** LMC 21.16.320 is hereby amended to read as follows:

203

204 **21.16.320 Signs in the planned regional shopping center zone.**

205 Only ~~the~~ The following signs are permitted, subject to the following limitations:

206 A. ~~Identification Signs. Signs identifying the shopping center are permitted~~  
 207 Monument, pole and ground signs are permitted; however, the number shall not exceed  
 208 the number of public streets abutting the property. Such signs ~~may be either monument~~  
 209 ~~or pole signs and~~ shall be subject to the setback, sign area and height regulations of  
 210 LMC 21.16.310.  
 211

212 **Section 7. Amendment.** LMC 21.60.100 is hereby amended to read as follows:

213 C. "Floor area ratio" means ~~the amount of floor area within a building as a multiple of~~  
 214 ~~the lot area.~~ the gross floor area of all buildings or structures on a lot divided by the total  
 215 lot area. For example, a 5,000 square foot building on a 5,000 square foot lot has a  
 216 floor area ratio of 1.0 or 100% while the same building on a 10,000 square foot lot would  
 217 have a FAR of .50 or 50%. The FAR is used in calculating the building intensity of a  
 218 development project.

219 **Section 8. Amendment.** LMC 21.60.400 is hereby amendment to read as follows:

220

Table 21.60.01: Floor Area Ratio (FAR)

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable "as of right" for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR "as of right" for new development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

221

222 Notes:

- 223 a. Floor area ratio is measured to the inside face of the exterior walls.  
224 b. The following uses shall be excluded from floor area calculation:  
225     • Space underground (e.g. basements); space dedicated to parking;  
226     • ~~Mechanical spaces;~~  
227     • Floor area devoted to rainwater collection;  
228     • Floor area devoted to gray water collection/storage/distribution;  
229     • Floor area devoted to waste recovery/separation;  
230     • ~~Floor area devoted to bicycle storage facilities;~~  
231     • Floor area devoted to service areas;  
232     • Balconies, patios, breezeways and decks without a solid cover;  
233     • Air spaces within buildings such as vaulted ceilings. More specifically, the  
234     floor area shall be counted as actual floor area only and not in the air  
235     spaces above;  
236     • ~~Elevator and stair shafts;~~  
237     • ~~Lobbies and common spaces, including atriums;~~  
238     • Space used as FAR bonus feature (see Table 21.60.2)  
239 c. Privately owned land area for the Promenade Walkway  
240 d. Allowable FAR for nonresidential and residential uses shall be added together for  
241 the respective use types within a mixed use residential project, to provide for a  
242 combined FAR total.  
243 e. Hotels shall be considered nonresidential for the purpose of this chart.  
244 f. In situations where both conforming and nonconforming development are located  
245 on a site, the maximum FAR for conforming and nonconforming development  
246 may be combined, but each shall be limited to their respective FAR per Table  
247 21.60.01. (For example, without bonus features, conforming development FAR  
248 maximum is 2.0; nonconforming FAR maximum is 0.5. Conforming development  
249 on the site may have a maximum FAR of 2.0; nonconforming maximum FAR of  
250 0.5).

251  
252 **Section 9. Severability.** If any section, sentence, clause or phrase of this ordinance  
253 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such  
254 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other  
255 section, sentence, clause or phrase of this ordinance.

256  
257 **Section 10. Effective Date.** This ordinance or a summary thereof consisting of the title  
258 shall be published in the official newspaper of the City, and shall take effect and be in  
259 full force five (5) days after publication.

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261 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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APPROVED:

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Nicola Smith, Mayor

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269 ATTEST/AUTHENTICATED:

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Sonja Springer  
Finance Director

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277 APPROVED AS TO FORM:

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Rosemary Larson  
City Attorney

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285 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

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

287 PUBLISHED: \_\_\_\_\_

288 EFFECTIVE DATE: \_\_\_\_\_

289 ORDINANCE NUMBER: \_\_\_\_\_

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On the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the City Council of the City of Lynnwood, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 19.35.010, AMENDING A DEFINITION AND ADDING A NEW DEFINITION TO CHAPTER 21.02, AMENDING LMC 21.10.100 AND 21.16.320, 21.60.100 AND 21.60.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

DRAFT