

AGENDA
Lynnwood Planning Commission
Meeting
Thursday, August 11, 2016 — 7:00 pm
Council Chambers, Lynnwood City Hall
19100 44th Ave. W, Lynnwood, WA 98036

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES

1. July 14, 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

None

E. WORK SESSION TOPICS

1. Detached Accessory Dwelling Units (DADUs) (CAM-003688-2016)
2. Chapter 21.46 – Commercial Zone Amendments and Mapping Amendments (CAM-004093-2016/CPL-3761-2016)

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
July 14, 2016 Meeting**

Commissioners Present:	Staff Present:
Robert Larsen, First Vice Chair	Paul Krauss, Comm. Devt. Director
Michael Wojack, Second Vice Chair	Gloria Rivera, Senior Planner
Maria Ambalada	David Mach, Resident Capital Engineer
Doug Jones	
Richard Wright	
Shanon Tysland	
Commissioners Absent:	Other:
Chad Braithwaite	Councilmember George Hurst

Call to Order

The meeting was called to order by First Vice Chair Larsen at 7:00 p.m.

Approval of Minutes

1. Approval of minutes of the June 23, 2016 Meeting

Motion made by Commissioner Wojack, seconded by Commissioner Jones, to approve the June 23, 2016 Planning Commission minutes as presented. Motion passed unanimously (6-0).

Citizen Comments

None

Work Session

1. Traffic Impact Fee Deferral Ordinance (Public Works

Resident Capital Engineer David Mach reviewed the proposed revisions to the Traffic Impact Fee code. He explained that five years ago the City Council passed an LMC that allows for traffic impact fees. This means if there is a new development that comes to town, and they are going to generate additional or new traffic (or PM Peak Hour Trips) the fees are between \$5,000 to \$8,000 for each trip generated. The money goes into a fund and can only be used to fund transportation projects for capacity improvements. There are currently 10-15 projects that are identified as Transportation Impact Fee projects. This roughly generates \$.5 million to \$1 million annually, but it fluctuates significantly depending on development cycles.

1
2 Right now the fees are collected at the time of building permit. Recently the state
3 legislature changed state law to require jurisdictions to allow for a deferral system
4 for single-family residential developers. A proposed ordinance reflecting this
5 change is contained on page 15 of the Planning Commission packet. The
6 ordinance allows for the option for the developer to pay a \$250 fee to delay
7 having to pay the \$8000 fee which now can be paid at final inspection. The
8 proposed language fulfills the intent the legislature had. It is a requirement and is
9 supposed to be implemented by September 1 of this year. Following this
10 meeting, staff intends to meet with City Council in early August for a work
11 session, followed by a public hearing and potential adoption of the ordinance.
12

13 Consultant Victor Salmo with TSI added that they tried to keep the process as
14 simple as possible by allowing the deferral at final inspection instead of with
15 certificate of occupancy or even as late as the closing of the sale of the home. He
16 noted that the ordinance also locks the impact fee in, so if the City increases the
17 impact fee during the period of the deferral the developer would pay the amount
18 that was in place at the time they requested it.
19

20 Vice Chair Larsen asked how concurrency relates to the current action. Resident
21 Capital Engineer David Mach replied that impact fees are just a way to generate
22 money to pay for additional capacity, and concurrency is a process to track how
23 increased traffic is affecting the city. He reviewed the concurrency process.
24

25 Commissioner Ambalada asked how much of the cost of the impact fees is
26 passed on to the buyer of the property. Resident Capital Engineer Mach replied
27 that the fees are definitely reflected in the cost of the home. He noted that if
28 Lynnwood didn't charge traffic impact fees the City would have to come up with
29 the funds for road improvements another way or lower its Level of Service
30 standards. The thought behind traffic impact fees is to have development pay for
31 future growth. In Lynnwood those fees are set at only 50% of the actual cost so
32 one trip will actually cost \$10,000-12,000 to add the extra capacity. The City has
33 to come up with the balance through grants or other funding sources.
34

35 Vice Chair Larsen pointed out that there really aren't any traffic impacts until
36 people move into the house, and the builder usually doesn't have the financing
37 he needs to help pay for the mitigation until people buy the house. This change
38 helps to link the occupancy and the related demand with the money to pay for the
39 fees. He thinks this is a reasonable request.
40

41 Commissioner Wojack referred to the two developments going in on 40th. He
42 asked if the City has the capital to cover the improvements up front until the
43 deferred fees come in in situations where immediate transportation
44 improvements are required. Community Development Director Paul Krauss
45 explained that the two projects Commissioner Wojack referred to had to do a
46 traffic analysis. They are building new public streets and making street

1 connections that improve the city street system. They are also making frontage
2 improvements on the streets that they front on. Beyond that the system is
3 adequate to handle the demand. The cost of the impact fee is to build out the
4 larger system. Regarding the City's ability to handle the deferred payments, he
5 noted that this is the law so they have to abide by it. He commented that there
6 was pushback by the planning community because it delays getting the money
7 into public hands to do the improvements. Commissioner Wojack commented
8 that he likes the way this is written. Mr. Salmo commented that the legislature
9 gave the cities a little more time to spend the funds recognizing that project
10 development and the environmental and design processes can take a while. Now
11 cities have ten years to spend the fees or return them.

12
13 Commissioner Ambalada suggested that the City should be more transparent to
14 the public about what this money is for.

15
16 *Motion made by Vice Chair Larsen, seconded by Commissioner Wright, to*
17 *forward the Traffic Impact Fee Deferral Ordinance as presented to the Council*
18 *with a recommendation to pass. Motion passed unanimously (6-0).*

19 20 **Public Hearing**

- 21
22 1. Code Amendments to Chapters 21.44, 21.57, and 21.58 LMC & Text
23 Amendment to the Economic Development Element of the
24 Comprehensive Plan (CAM-003953-2016)

25
26 Senior Planner Gloria Rivera reviewed the changes to the development code and
27 the associated changes to the maps. She stated that one of the main reasons for
28 presenting this code amendment is to encourage mixed use development in a
29 certain zone. She stated there has been an inconsistency in the code in Chapter
30 21.57 (College District Mixed Use Zone) and 21.58 (College District Overlay
31 Boundary) which effectively cancels each other out. There are still some single-
32 family houses in that area although they are zoned multi-family. When the code
33 was written it made them non-conforming uses so if people wanted to make
34 improvements to their homes they have not been able to do that. She has had
35 many inquiries about that. Staff is recommending things such as college and
36 university buildings, transit stops and stations, retail stores or service buildings
37 under 5,000 square feet, offices or food and beverage services under 4,000
38 square feet, multiple residential dwellings between 20-43 units per acre including
39 senior housing, art or performance theaters, child daycare centers, group
40 residential such as dormitories, and hotels as permitted uses. She reviewed
41 prohibited uses, exemptions, and development standards.

42
43 LMC 21.57 says you don't have to have a minimum lot area, but there is a
44 boundary in LMC 21.58 which overlays everything that says you have to have an
45 acre. It has been very hard for people to accumulate an acre to develop. Staff's
46 recommendation is to reduce the requirement to a half acre for a development.

1 Another change made was to change the maximum lot coverage from 80% to
2 90% because the City is looking for denser development in this area.

3
4 21.57.400(b) proposed changes are as follows: allow shared parking within 500
5 feet of the principal use, include 204th Street between Highway 99 and the
6 campus to have pedestrian environments, and delete repeated language
7 regarding multi-story buildings. There were several changes in Outdoor Spaces
8 to delete reference to an outdoor lighting plan for the College District because
9 there actually was no plan. 204th Street, 196th Street SW, and 64th Avenue West
10 were included in the requirement to situate trees along the street front. Under
11 Other Limitations and Uses, 21.57.400(d) allows off street parking inside or
12 behind buildings with the exception of parking on the college campus, regulates
13 the allowed signs and prohibits freestanding, pole signs, and roof signs except on
14 196th Street and 64th Avenue West, and states that when your development is
15 next to residential zone that you have to provide buffer strips, plantings, and
16 fences. 21.57.500 addresses design guidelines.

17
18 Staff is proposing a few changes to the Public Zone to allow private/public
19 collaboration on projects and to increase accessory uses for universities and
20 schools. The recommendation is to keep in park-and-pool lots, but take out the
21 park-and-ride lots. In section 3, the temporary use permit applying to hot air
22 balloons was removed. Staff is also recommending the strikeout of section 4 and
23 5 which is the electric vehicle charging station and the battery exchange station
24 because those are uses that would be allowed in buildings anyway. Under
25 Conditional Uses, the requirement to have a conditional use permit to have a
26 legal or professional office was removed.

27
28 Senior Planner Rivera stated that staff has received some comments on this.
29 Leisure Care who owns a large senior residence on 196th Street expressed
30 concern about what would happen to them if the zone changes because they
31 couldn't have the type of operation they have now. To address this, staff is
32 recommending including senior housing in the allowed uses. The other request
33 was from Community Transit.

34 35 Comments and Questions:

36
37 Vice Chair Larsen said he was happy to see that they reduced the minimum lot
38 requirement. He thinks this will really help. He wishes it could go even smaller.
39 He is a little concerned about the lot coverage going from 80-90% He asked if the
40 front setback will change. Senior Planner Rivera replied it does not change. He
41 hopes the parking reduction of 50% will work, but since it is a college district it
42 shouldn't be an issue.

43
44 Vice Chair Larsen opened the public hearing at 7:33 p.m. and solicited public
45 testimony.

1 George Osborne, 606 Lee Street, Seattle, WA, stated he has been involved in
2 real estate development for many years and did the public/private housing for
3 Edmonds Community College. In his retirement he is working off of 200th where
4 there is a church and commercial use. He is worried about the focus on mixed
5 use. He stated that mixed use works very well with short blocks and narrow
6 streets. Long blocks and wide streets do not work. Mixed use also means that
7 the retail is really deep because of the depth of the residential units above it
8 which is an issue. He commented that there is a lot of empty retail space in
9 Seattle right now because mixed use has been required. The concept is great,
10 but the demand is going down as buying online is becoming more and more
11 common. He noted that the banks don't want to loan money for this so it's hard to
12 get funding. He stated that the market will ask for mixed use when the need is
13 there, but requiring it through planning will tend to drop the development rate. He
14 spoke in support of keeping single-family homes. Mr. Osborne also expressed
15 concern about the setbacks (minimum of zero and a maximum of 15 feet)
16 because it would not allow for a courtyard and modulation. He stated that the
17 ability to modulate the façade is what creates interest for walking. He added that
18 he is an owner and developer of Thornton Place at Northgate. They were
19 required to have a ton of retail space and feel very fortunate to have filled it. He
20 thinks the only reason they did is because Rapid Transit and UW Medicine used
21 a lot of it. He also spoke against reducing parking because people still have cars.

22
23 Seeing no further comments the public testimony portion of the hearing was
24 closed at 7:41 p.m.

25
26 Staff comments:

27
28 Director Krauss commented that the parking in the code is the minimum; there is
29 no maximum. They are providing the option to do less because that area has
30 excellent transit service. Regarding mixed use, he noted that the developer
31 across the street from the college has already designed a building with first floor
32 retail. It isn't too deep because they have a floor of parking behind the retail.
33 Where the City has had mixed use requirements they have been flexible in terms
34 of the amount and the location. He noted there are 15,000 students across the
35 street and a lot of high-density development in this area. The City has been
36 approached to do mixed use development several times, but developers find they
37 can't do what they'd like to do because of the existing code. In terms of building
38 modulation, they have the same requirements in City Center and expect
39 buildings to be modulated. Public plazas and other features are also encouraged.
40 He reviewed how they are working with the Fire Department to ensure fire
41 protection without requiring fire lanes.

42
43 Vice Chair Larsen asked if mixed use would be a requirement in the College
44 District. Senior Planner Rivera said it is an option, but would not be required.
45 Vice Chair Larsen asked how the mixed use changes on Highway 99 have been
46 working out. Director Krauss discussed a residential development with about 300

1 units approaching the Highway 99 edge. It was originally being proposed as
2 mixed use, but they ultimately decided to do a straight residential project. The
3 SRO development at the corner of 196th and 200th was encouraged to look at
4 mixed use development, but at that time they were convinced there wasn't a
5 market for it. There may be a proposal to redevelop the shopping center where
6 Safeway was as a mixed use development, so there is some interest.

7
8 Commissioner Wojack referred to Building and Uses under Development
9 Standards and asked how the requirement to match the architectural styles of
10 surrounding development is working. Senior Planner Rivera noted there is a
11 requirement for some degree of compatibility but it is very vague. Director Krauss
12 noted they could look at that again. He noted that currently the Design Guidelines
13 are applied administratively.

14
15 *Motion made by Vice Chair Larsen, seconded by Commissioner Wright, to pass*
16 *to City Council Code Amendments to Chapters 21.44, 21.57, and 21.58 LMC &*
17 *Text Amendment to the Economic Development Element of the Comprehensive*
18 *Plan (CAM-003953-2016) as presented with a recommendation for approval.*
19 *Motion passed unanimously (6-0).*

20
21 2. College District Comprehensive Plan Amendments and Rezone (CPL –
22 003757-2016 RZN-003759-2016)

23
24 Senior Planner Rivera stated this would get rid of duplication and include the new
25 action taken above in the text amendments. The other items are mapping
26 amendments which would: expand the College District Mixed Use Zone, amend
27 the Land Use Map to amend the College District Mixed Use Zone and change
28 the Land Use designation on the college property to Public Facilities. Director
29 Krauss explained the golf course is leased by the City but is on college property.

30
31 The public testimony portion of the public hearing was opened at 7:58 p.m.

32
33 Public Testimony:

34
35 None

36
37 Seeing no public comments, the public testimony portion of the public hearing
38 was closed at 7:58 p.m.

39
40 Commissioner Comments and Questions:

41
42 Vice Chair Larsen noted that the change on the golf course away from park use
43 to the college is a big step, but a timely one. He also spoke in support of the
44 other changes.

45

1 Commissioner Wojack concurred with the golf course change. He asked how
2 long the current lease is. Kevin McCain, Vice President for Finance and
3 Operations, Edmonds Community College stated the existing lease is in place for
4 five more years and then it is set to renew for another 30 or 35 years. They are
5 working with the City on an update to that lease.

6
7 Commissioner Ambalada asked Director Krauss asked if there is any property
8 adjacent to the golf course for the City to have a business center. Director Kraus
9 replied that there is not.

10
11 *Motion made by Commissioner Wright, seconded by Commissioner Ambalada,*
12 *to move this item forward to the City Council with a recommendation for*
13 *approval. Motion passed unanimously (6-0).*

14 15 **Other Business**

16 17 **Council Liaison Report**

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19 Councilmember Hurst commented that the City Council has expressed a couple
20 times that the work the Planning Commission does is much appreciated.

21 22 **Director's Report**

23
24 Director Krauss had the following comments:

- 25 • Staff has been active in preparing a Draft Budget. The process is more
26 complex this year as the City has moved to new financial software and is
27 also starting the Budgeting for Outcomes process which is new for
28 everyone. This is the first time that consistency with supporting the city
29 vision is the key defining attribute for moving items forward. All programs
30 and efforts must show how they meet the goals for the city. There are also
31 some new changes in how costs are allocated. This will give the public
32 more ability to understand the budget and will give the Council a better
33 ability to make decisions.
- 34 • Development activity is continuing very rapidly. There is a proposal by
35 General Growth to redevelop the east side of the mall by tearing down
36 Sears and filling that space with something walkable with street-frontage
37 retail. They have a very aggressive schedule for development and hope to
38 be under construction next spring. The City is also working with the
39 Cosmos Corporation who is prepared to move forward with a 350-unit/16-
40 story building where the 3-story medical building is near Toys-R-Us. This
41 will be all-concrete construction which will be a first for the City. It will also
42 be a mixed use development with retail along Alderwood Parkway. The
43 developer is very excited about what the mall is doing across the street.
- 44 • Sound Transit has a plan to go to the voters which the City is pleased
45 with.

- 1 • He thinks the plan that the Commission approved tonight goes a long way
2 to completing the vision that the Commission talked about when they
3 talked about Highway 99, but weren't able to actually link the
4 196th/Highway 99 node with Edmonds Community College. This plan will
5 do that.

6

7

Commissioners' Comments

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- Vice Chair Larsen said he is hopeful that mixed use will work out for the City. He is also looking forward to seeing how Trinity Lutheran Church uses the Highway 99 zoning. Director Krauss concurred and noted that the community center will be a major draw for many different types of people throughout the day and the evening.
- Commissioner Wright commented that the new building down by Toys-R-Us will be the first vertical structure in the City of Lynnwood that casts a shadow on the freeway.
- Commissioner Wojack expressed concern about the joint commission meeting because the individual commissions didn't open their respective meetings, nor was there a roll call or detailed minutes. Director Krauss replied that each of the boards and commissions that attended had it scheduled as a meeting. The City Attorney was consulted as to how to handle the noticing and the minutes, and the City followed that process. Commissioner Wojack expressed concern that the correct procedures might not have been followed in that setting. Director Krauss commented that there was not official action taken; it was basically a work session format. The minutes were commensurate with what the Council does when they have a work session.

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Adjournment

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The meeting was adjourned at 8:18 p.m.

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Chad Braithwaite, Chair

Topic: Detached ADUs (DADUs)
(File No. CAM-003688-2016)

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 detached accessory dwelling units as an affordable housing option. Research has demonstrated that options for affordable housing are imperative to social equity and the ability to age-in-place as many of today's households desire to keep families together.

Action

City staff requests that the Planning Commission provide direction and feedback on whether or not staff should pursue this code amendment further to add the word "detached" to the existing ADU code language.

Background

The 1993 Washington Housing Policy Act requires that certain cities and counties adopt ordinances to encourage the development of affordable housing options in single family zones (specifically cities with populations of over 20,000 and cities that plan under the Growth Management Act).

One of the primary goals stated in the City of Lynnwood's Comprehensive Plan is affordable housing. The Comprehensive Plan articulated the City's strong commitment to expand housing choices and to tackle affordability issues using a variety of tools. This includes exploring different housing types and changes in land use/zoning codes and development standards as tools to expand those choices.

Specifically, this initiative addresses the following goals and policies listed in the Housing Element of the City's Comprehensive Plan:

GOAL 1: Provide for sufficient availability and a variety of opportunities for safe, decent, and affordable housing in strong, cohesive neighborhoods to meet the needs of present and future residents of Lynnwood.

Two of the most relevant affordable housing policies of the City are as follows:

Policy H-21 *Encourage the development of affordable housing for all income levels.*

Policy H-30 *The City shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of lower cost housing types...*

In Washington State, local codes were required to incorporate the model ordinance recommendations prepared by the Department of Commerce (see RCW 43.63.A.215 and RCW 36.70A.400). In response to this Act, the City of Lynnwood adopted regulations in 1995.

In order to meet our State of Washington mandated goals and policies for affordable housing, City staff is proposing this nonproject proposal to amend Lynnwood Municipal Code (LMC) Title 21 Zoning to allow for DADUs. Staff recommends changes to Chapter 21.02 Definitions, Chapter 21.42 Residential Single Family as well as changes to the fees listed in Title 3 Finance Chapter 3.104 Fees and Charges.

What is a Detached ADU (DADU)?

Detached ADU (DADU): *A Detached Accessory Dwelling Unit is an extra living unit on your property, complete with kitchen, bathroom and bedroom but it is detached from the primary home and only located in the backyard, such as above a garage.*

What are the benefits of owning a DADU for a homeowner?

- » **Extra Housing**
Meeting a family need by having a grandparent or college student living nearby.
- » **Companionship, Security, and Home Help**
Others to keep you company, look after your well-being, or help out around the house.
- » **First Time Homebuyers**
Possibly qualify for a larger home loan, have extra income, or more choice in using your home.

Several Other Jurisdictions have adopted DADU Regulations:

- City of Redmond – has amended its DADU regulations about a year ago to eliminate barriers to development of DADUs; approximately 30 units have been approved and/or constructed
- City of Kirkland – has approved 138 units since it adopted its regulations in 1995, an average of about 10 per year
- City of Shoreline – approximately 29 units have been approved and/or constructed since 2001

Research indicates that the average unit size for a detached unit is 631 square feet. For comparison purposes, a typical studio apartment is usually 500 to 600 square feet¹.

The proposed code amendment is simple. Staff is proposing to merely add the word “detached” in the code language to allow for these units to be constructed. There will be no changes to any of the existing development standards. Homeowners would be required to meet current adopted ADU codes which are restrictive to the maximum size of the unit, number of parking spaces required, minimum lot sizes and setbacks. It does not change permitted densities. It does not change zoning standards. The development will meet the existing code for lot area, lot width, building setbacks, parking and development will be required to be located within the rear yard only.

Previous Planning Commission/City Council Actions

- With the passage of the Growth Management Act (GMA) in 1990, the City of Lynnwood adopted ADU language in 1995 to meet state mandates.
- In 2010, both City staff and the Planning Commission proposed changing the code to allow for DADUs. At the recommendation of the Planning Commission, City staff prepared an ordinance to allow for DADUs. However, when staff presented the ordinance to the City Council, the word “detached” was eliminated from the ordinance.

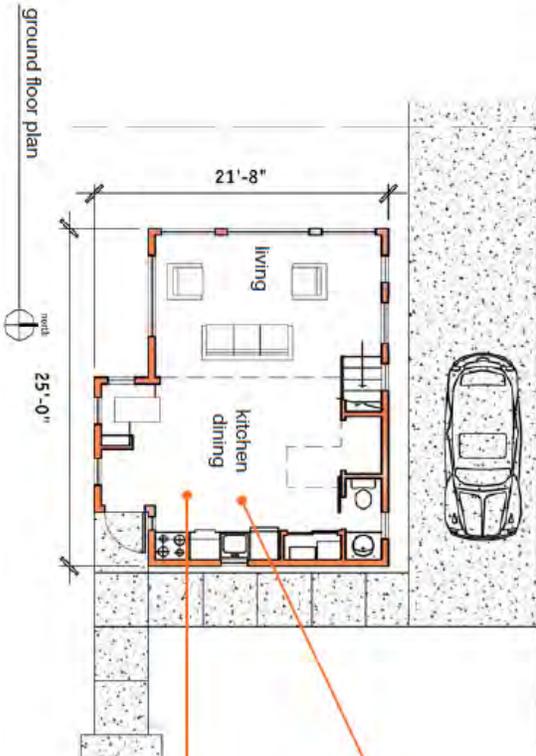
Recommendation

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

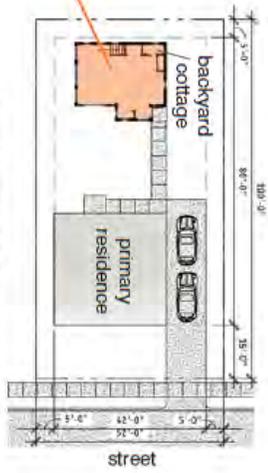


¹ARCH, 2016; AHA, 2016.

TYPE E SITE AND FLOOR PLANS



e	primary residence 1200 gsf*
	option 1 : without alley 685 gsf 1 level + loft 1 bd 2.5 bath + nook
	option 2 : with alley 685 gsf 1 level + loft 1 bd 2.5 bath + nook



*gsf: gross square feet = area to the interior face of interior finish

Source: Seattle DPD, 2010

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

Agenda Item: E.2

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

Staff Report

Staff Contact: Gloria Rivera, Senior Planner, Community Development

Summary

The purpose of this agenda item is to continue discussion of proposed amendments to Chapter 21.46 LMC.

Action

None required.

Background**Code Amendments**

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.

In summary for the table amendments, the Limited Business (B-2) and Community Business (B-1) zones are being repealed with some of the corresponding activities absorbed into the remaining three categories. The Neighborhood Commercial zone (B-3) is being renamed Neighborhood Commercial (NC). Chapter 5.92 is being repealed since the category of "Living Quarters for Homeless Mothers) in Table 21.46.10 is being removed. The definitions of "Public, dance" and "Dance halls, licenses" are being repealed since those uses will no longer exist for "Dance, Halls, licensed" in Table 21.46.09. Finally, changes will be made to the Zoning/Land Use Table (Table I-1) in the Implementation Chapter of the Comprehensive Plan.

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

Map Amendments

With the repeal of the B-2 and B-1 zones, corresponding changes need to be made to the Future Land Use Map and the zoning map.

B-2 (Future Land Use and Rezone Map Amendments)

- Community Commercial (CC)/Limited Business(B-2) on Specified Parcels to Medium-Density Multi Family (MF- 2)/ Multiple-Residential Medium Density (RMM) and Local Commercial (LC)/Neighborhood Commercial (NC)
 - Map Amendment #1 – Community Commercial (CC)/Limited Business (B-2) on a specified parcel to Medium-Density Multi-Family (MF-2)/ Multiple Residential Medium Density (RMM)
16900 44th Avenue W/APN #00372700900701
 - Map Amendment #2 – Community Commercial (CC)/Limited Business (B-2) on specified parcels to Local Commercial (LC)/Neighborhood Commercial (NC)
6206 168th Avenue W./APN #00758300100100
SE corner of 188th Avenue W and Hwy 99/APN #27041600300100
19117 60th Avenue W./APN # 27041600302700
Cedar Valley Rd. & 52nd Ave. W (No address)/APN #00608400300302
20006 Cedar Valley Rd/APN #00608400300104
20016 Cedar Valley Rd./ APN #00608400300105
20102 Cedar Valley Rd./APN #00608400300202
5005 200th St. SW/APN #00608400100404
5105 200th St SW/APN #00608400100403
19910 50th Avenue W./APN #00608400100402

B-1 Rezone Map Amendments

- Community Business (B-1) on Specified Parcels to Neighborhood Commercial (NC), General Commercial (CG), Highway 99 Mixed Use (HMU) and Planned Commercial Development (PCD)
 - Community Business (B-1) on specified parcels as indicated on the zoning map to Neighborhood Commercial (NC)
 - Community Business (B-1) on specified parcels as indicated on the zoning map to General Commercial (CG)
 - Community Business (B-1) on specified parcels as indicated on the zoning map to Highway 99 Mixed Use
 - Community Business (B-1) on specified parcels as indicated on the zoning map to Planned Commercial Development (PCD)

Next steps

Attached for review is the draft of proposed amendments to the use tables and to the text which staff hopes to present for a public hearing in September. The proposed changes are presented in the strike out and addition version as the tables would be presented and with full strike out and addition versions for all changes in the Ordinance.

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:

- Repeal of definitions of 21.02.272 (“Public dance hall, license”) and 21.02.273 (“Public, dance”) – Repeal because of elimination of dance hall.
- 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.
- 21.46.050(B)(3) Elimination of B-1 zone. Many of the uses in the B-1 zone are identical to the General Commercial zone. Some B-1 uses have been incorporated in other sections of the tables.
- 21.46.100(A) – Director Discretion. Where uses are not covered in the Tables, discretion is given to the director.
- 21.46.105 Project Design Review. Would add “or” to the two sections to clarify language of the subsections.
- 21.46.110 Limitations on uses-general. If the B-1 is eliminated, the section no longer applies.
- 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.
- 21.46.112 Limitations on uses-Restaurants. If the B-2 is eliminated, the section no longer applies.
- 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 2nd floor and above. Repeal of “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.
- 21.46.210 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.
 - Chapter 5.92. Repeal Chapter which references “Living Quarters for Homeless Women” since that activity is being dropped from the tables.
 - Amend Table I-1 of the Implementation Element of the Comprehensive Plan. Changes reflect deletion of B-1 and B-2 and the renaming of B-3 to NC plus changes related to land use designations to reflect rezoning of the B-1, B-2 and PCD parcels.

Previous Planning Commission / City Council Action

N/A. Public hearings will be scheduled in the future.

Adm. Recommendation

Discuss proposed amendments.

Attachments

- A. Proposed changes in Use Tables
- B. Proposed Ordinance reflecting all changes
- C. Proposed amendments to Future Land Use and zoning maps.

Table 21.46.01

Automotive Sales	NC	PCD	CG
Auto Parts, Accessory, and Supplies Stores	P	P*	P
Auto Glass Stores	-	P	P
Auto Lubrication Stores	-	P	P
Auto Wrecking Yards+	-	-	C
Automobile Mechanical Repair	-	-	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	P
Automobile Sales and Display+		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	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
Battery Exchange Station (Electric Vehicles), Principal Use	C	C	C
Battery Exchange Station (Electric Vehicles), if accessory to a permitted use or conditionally permitted use only.	A	A	A
Battery Service and Sales	-	P*	P
Car Wash	-	-	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	P
Park and Pool Lots+	C	-	C
Parking Garages and accessory refueling and servicing	-	P	P
Public and Private Parking Lots for Passenger Cars	-	P	P
Service Stations, full self, or gas+	C***	-	C
Tire Store, not including recapping	--	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

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

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

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

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

Table 21.46.02

Business Service Uses	NC	PCD	CG
Business Services, not including furniture or equipment sales	P	P	P
Business and Professional Services not mentioned elsewhere in this section.	-	P	P

Table 21.46.03

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

*Drive-throughs in the PCD zone shall have the drive aisle and service window screened.

Table 21.46.04

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

Table 21.46.05

Medical Uses	NC	PCD	CG
Medical, Dental, Optical and Chiropractic Clinics	P	P	P
Veterinary Clinics+	P*	P	P-X

*Excluding outdoor kennels and runs

Table 21.46.06

Office Uses	NC	PCD	CG
Businesses or Professional Offices, including offices of a clerical or administrative nature	P	P	P
Offices as Home Occupations+	C	-	C

Table 21.46.07

Personal Service Uses	NC	PCD	CG
Banks and other financial institutions	P	P	P
Personal Service Shops	P*	P	P
Dressmaker and Tailoring Shops	P	P	P
Dry Cleaning and Laundry Plants	-	P	P
Dry Cleaning and Laundry, Self-Service	P	P	P
Dry Cleaning and Laundry, Pick-Up Station for work to be done elsewhere	P	P	P
Locksmith	P	P	P
Pet Grooming	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

Repair Services Uses	NC	PCD	CG
Appliance Repair Shops and the like	P	P	P
Computer Repair	P	P	P
Shoe Repair	P	P	P

Table 21.46.09

Recreational Activities	NC	PCD	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	-	C	C

Indoor Amusement Enterprises, including skating rinks, bowling alleys and pool halls	-	P	P-X
Carnivals (see Chapter 5.30)	-	P	P
Circuses (see Chapter 5.30)	-	P	P
Dance Halls, licensed+	-	P	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	P
Health Clubs	-	P	P
Outdoor Ancillary Playground and related equipment	-	-	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	P
Overnight Campgrounds	-	-	C

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

Table 21.46.10

Residential Uses	NC	PCD	CG
Adult Family Homes	P	P	P
All uses permitted in single-family zones	-	P	-
Multiple-Family Housing Units+	C*	P	
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map	-	-	P
Caretaker or Watchman Quarters	C	-	C
Living Quarters for Homeless Mothers Parents+	P	P	P
Motels and Motor-Hotels	-	P	P-X
Respite Care	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 careening 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 changes, fencing, reduction or elimination of lighting immediately adjacent to single-family uses, and prohibition of activities immediately adjacent to single-family uses that will create noise, odor, or other impacts (i.e. garbage collection areas, recreational areas, parking lots). See Figure 21.46.1.

Table 21.46.11

Retail Uses	NC	PCD	CG
Apparel Shops	P	P	P
Appliance Stores, including incidental repair	-	P	P

Art Stores and Supplies	P	P	P
Audio Sales and Service	-	P	P
Bakery Retail Stores	P	P	P-X
Bicycle Sales and Repair	-P	P	P-X
Boat and Equipment Sales and Display, indoors	-	P	P
Boat and Trailer, open lots for sale of rental of	-	-	P
Building Supplies Stores, indoor	-	-	P
Carpet Stores	-	P	P
Computer Stores Sales and Service	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station+	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-X
Dairy Product Stores	P	P	P
Department Store	-	P	P
Drug Store	P	P	P
Dry Goods Store	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	P
Fountains and Ice Cream Stands	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoors	P	P	P
Gift Shops	P	P	P
Grocery Stores	P	P	P
Hardware Sores	P	P	P
Hobby Shops	P	P	P
Music Stores and Supplies	P	P	P
News Stands	P	P	P
Office Supplies, not including furniture or equipment sales	P	P	P
Pet Shops	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	P	P
Variety Store	-	P	P

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

Table 21.46.12

Light Industrial Uses	B-3	PCD	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	P
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
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
Research and Development	-	-	P
Printing, Publishing and Binding (no noise beyond the premises)	-	P	P
Public Utility Facilities+	P	P	P
Recycling Collection Centers	-	-	C
Research and Development	-	-	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

* Inclusive of all aspects of the business.

Other Uses	B-1	PCD	CG
Adult Establishment	-	-	CA
Adult Retail Uses	-	-	CA
Charitable or Relief Supplies Collection or Storage	-	-	C

Customer Parking, outdoors	A	-	P
Radio or Television Stations, not including Wireless Communications	-	P	P
Recycling Collection Centers+	-	-	C
Self-Service Storage Facilities	-	P	P
Temporary Special Events, per Chapter 5.30 LMC	-	P	P
Warehouse of 10,000 sq. ft. or less	-	-	P
Wholesale store of 10,000 sq. ft. or less	-	-	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	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
Wireless Communications Facility, Attached	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.

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1 CITY OF LYNNWOOD

2 ORDINANCE NO.

3 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO
4 CHAPTER 21.02 DEFINITIONS (REPEALING SECTIONS 21.02.272 AND 21.02.273),
5 CHAPTER 21.46 COMMERCIAL ZONES, (AMENDING SECTIONS 21.46.050,
6 21.46.100, 21.46.110, 21.46.111, 21.46.112, 21.46.116, 21.46.118, 21.46.119,
7 21.46.120, 21.46.210, 21.46.220 AND 21.46.900, AND REPEALING SECTIONS
8 21.46.112 AND 21.46.113) AND REPEALING CHAPTER 5.92 IN ITS ENTIRETY OF
9 THE LYNNWOOD MUNICIPAL CODE, AND AMENDING TABLE I-1 OF THE
10 IMPLEMENTATION ELEMENT OF THE COMPREHENSIVE PLAN, PROVIDING FOR
11 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
12

13 WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of
14 Lynnwood has the authority to adopt ordinances relating to the use of real property
15 located within the City; and
16

17 WHEREAS, from time to time, it is appropriate to amend the City’s land use and
18 development regulations in order to improve efficiency and draft effective application of
19 legislation enacted by Ordinance by the City Council; and
20

21 WHEREAS, on , 2016 on the Community Development Director, acting as Lynnwood’s State
22 Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this
23 draft ordinance; and
24

25 WHEREAS, on 2016 The State of Washington granted the City of Lynnwood expedited
26 review for the: proposed ordinance amends the city's zoning code. This proposal was submitted for
27 the required state agency review under RCW 36.70A.106.
28

29 WHEREAS, on , 2016, the Planning Commission held a public hearing on a draft zoning
30 ordinance; and
31

32 WHEREAS, on , 2016, the City Council held a public hearing on the draft zoning ordinance;
33 and
34

35 WHEREAS, the City Council after due consideration finds that the regulations contained in
36 this ordinance are consistent with and implement the City’s Comprehensive Plan, and are
37 consistent with applicable state law, and will benefit the public health, safety and general welfare;
38

39 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS
40 FOLLOWS:
41

42 **Section 1.** REPEAL (DEFINITIONS) Section 21.02. 272 entitled “Public, dance”, of the Lynnwood
43 Municipal Code, is repealed.
44

45 **Section 2.** REPEAL (DEFINITIONS) Section 21.02.273 entitled “Dance hall, licenses”, of the
46 Lynnwood Municipal Code, is repealed.

47
48 **Section 3.** Section 21.46.050. entitled "Purpose" of the Lynnwood Municipal Code, is amended to
49 read as follows:
50

51 **21.46.050 Purpose**

- 52 A. General. The purpose of the regulations set forth in this chapter are:
- 53 1. To regulate the location, height, bulk, and size of buildings constructed for
54 business and commercial uses, thereby assuring adequate light and air in
55 commercial zones;
 - 56 2. To provide a range of use zones of varying degrees of restrictiveness in the types
57 of businesses permitted; thereby providing for the development of shopping
58 centers and the various other types of businesses and/or commercial areas;
 - 59 3. To facilitate the economical provision of utilities; to provide for convenient,
60 efficient, and safe access to commercial zones by vehicles, and by pedestrians;
61 and
 - 62 4. To encourage general improvement of the appearance of commercial areas.
63

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

- 70 B. Individual Zones. The purpose of the individual zones are as follows:

- 71 1. Neighborhood Commercial (~~B-3~~ NC) The Neighborhood Commercial zone is
72 intended to provide for compatible retail, professional, and personal service uses,
73 and offices and services including municipal services of not more than two
74 stories which generally serve the everyday needs of the residents of the
75 surrounding neighborhood. Multi-family residential units may be permitted on
76 select ~~B-3~~ NC parcels subject to location (Figure 21.46.1) and a conditional use
77 permit. Neighborhood Commercial zones should be located:
 - 78 a. To provide for neighborhood commercial centers at appropriate locations
79 along arterial streets within residential areas;
 - 80 b. To preserve existing neighborhood commercial centers which are at
81 appropriate locations within residential areas, but which may not be located along
82 an arterial street; or
 - 83 c. As a transition zone between residential zones and more intensive
84 commercial zones.
85

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

- 91 2. ~~Limited Business (B-2). This zone is intended to provide areas for the location
92 of office buildings of unrestricted height and size to accommodate executive,
93 administrative, clerical, professional, and other compatible or complementary
94 uses, including internally oriented businesses which serve the office businesses
95 or their personnel, and including municipal service. It is intended that this zone
96 should be so located that it will completely occupy a large area of several city
97 block, without intermingling of other uses, in order that the typically high~~

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

~~4 2. General Commercial (CG) The purpose of the General Commercial zone is to provide for a variety of commercial, retail, and other uses, including municipal services. These uses are primarily related to auto borne clientele, rather than pedestrian clientele. These uses tend to locate along arterials and, by nature of their activity create a high degree of turning movements which impede the flow of arterial traffic and create traffic hazards. The commercial development extending along arterials generally reflects a low aesthetic quality at locations which have a maximum exposure to residents and visitors. Because of the adverse impact of this type of development, it is not the intent of this section to encourage this type of development, but to provide a legitimate classification for existing strip development and to encourage the improvement of these facilities. It is further intended that certain uses which have been heretofore been permitted but which are more of an industrial nature shall be allowed only by a conditional~~

149 use permit thereby providing that the existing establishments shall not be
150 nonconforming but any new establishments may be confined to appropriate
151 locations. With the expansion of the bus system serving Highway 99, the
152 location of multiple-family residential housing in the vicinity of the highway
153 allows the opportunity to create a more sustainable environment. Multiple-
154 family housing on sites on specified parcels within the Highway 99 corridor as
155 designated on the city of Lynnwood future land use map, allows compact
156 multiple-family residential development a walkable distance from convenience
157 retail with goods and services and reduces single-vehicle trips due to the
158 availability of transit.

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

171 Property may only be reclassified to PCD after the comprehensive plan
172 has been amended to designate the area as appropriate for the PCD zone. A
173 design concept for the area included in each PCD zone shall be developed
174 simultaneously with a proposal for amending the comprehensive plan to allow
175 PCD in that zone. The design concept shall indicate major circulation and utility
176 proposals for the zone. Consideration shall be given to internal and external
177 vehicular and pedestrian circulation. The primary purpose of the design concept
178 is to allow advance consideration of coordinated development of parcels in the
179 zone. The design concept shall consist of a site plan and textual guidelines for
180 development of the specific zone. The textual guidelines shall be developed to
181 address specific concerns or attributes of the individual zone which may not be
182 adequately dealt with in the zoning code.

183
184 **Section 4.** Section 21.46.100. entitled “Permitted structures and uses” of the Lynnwood Municipal
185 Code, is amended to read as follows:

186
187 **21.46.100 Permitted structures and uses**

188
189 A. No building, structure or land use shall be used and no building or structure shall
190 be erected, or structurally altered, except for one or more of the uses permitted by Table
191 21.46.01 **through 21.46.13 or by discretion of the community development director**
192 **for a use found to be consistent with the intent of the zone.**

193
194 **Section 5.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.01 of the
195 Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.01

Automotive Sales	B-3 NC	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 Rental, 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 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 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 in the PCD zone, such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	P-	-	P
Tire, Brake, Muffler Tune-up	-	-	P	P	P

198

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

201

202 **** (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of**
 203 **a freeway on- or off-ramp (measured in a straight line from the nearest point of the end of the**
 204 **freeway ramp (where the ramp connects to a public street) to the nearest point of the property).**
 205 **(2) Sale of used vehicles as a principal use of the property is prohibited.**

206
 207 ***** Service stations shall not be located adjacent to or across the street from any residential**
 208 **zoning district.**

210 **Section 6.** Section 21.46.100. entitled “Permitted structures and uses”, Table 21.46.02 of the
 211 Lynnwood Municipal Code, is amended to read as follows:

212 **Table 21.46.02**

Business Service Uses	B-3 NC	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

214
 215 **Section 7.** Section 21.46.100. entitled “Permitted structures and uses”, Table 21.46.03 of the
 216 Lynnwood Municipal Code, is amended to read as follows:

217 **Table 21.46.03**

Eating and Entertainment Uses	B-3 NC	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 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

219
 220 *** Drive-throughs in the PCD zone shall have the drive aisles screened.**

221
 222 **Section 8.** Section 21.46.100. entitled “Permitted structures and uses”, Table 21.46.04 of the
 223 Lynnwood Municipal Code, is amended to read as follows:

224 **Table 21.46.04**

Institutional Uses	B-3 NC	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 and Senior Housing +	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

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

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Section 9. Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.05 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.05

Medical Uses	B-3 NC	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

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Section 10. Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.06 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.06

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

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243

Section 11. Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.07 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.07

Personal Service Uses	B-3 NC	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
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

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

247
 248 **Section 12.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.08 of the
 249 Lynnwood Municipal Code, is amended to read as follows:

250
 251 **Table 21.46.08**

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

252
 253
 254 **Section 13.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.09 of the
 255 Lynnwood Municipal Code, is amended to read as follows:

256
 257 **Table 21.46.09**

Recreational Activities	B-3 NC	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 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

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

260

261 **Section 14.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.10 of the
 262 Lynnwood Municipal Code, is amended to read as follows:

263

264

Table 21.46.10

Residential Uses	B-3 NC	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P
All uses permitted in single-family zones	P	-	P	-	-P
Multiple-Family Housing Units+	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
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

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

274

275 **Section 15.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.11 of the
 276 Lynnwood Municipal Code, is amended to read as follows:

277

278

Table 21.46.11

Retail Uses	B-3 NC	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-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	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

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

280

281 **Section 16.** Section 21.46.100. entitled “Permitted structures and uses” , Table 21.46.12 of the

282 Lynnwood Municipal Code, shall be repealed in its entirety.

283

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 extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	P
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
Reeving 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

285 * Inclusive of all aspects of the business.

286

287 **Section 17.** Section 21.46.100. entitled "Permitted structures and uses" , Table 21.46.13 of the
 288 Lynnwood Municipal Code, is amended to read as follows:

289

290

291

Table 21.46.13

Other Uses	B-3 NC	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
Warehouse of 10,000 sq. ft. or less					P
Wholesale store of 10,000 sq. ft. or less					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

293 * See LMC 21.46.110 through 21.46.119

294

295 Key:

296 P = Permitted as a principal use

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

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

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

303 - = Not permitted.

304 -X = Not permitted in controlled area.

305 CA = Permitted only in controlled area. See LMC 21.46.

306

307

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310
311 **Section 18.** Section 21.46.105. entitled “Limitations on Uses - General” of the Lynnwood Municipal
312 Code, is amended to read as follows:

313
314 **21.46.105 Project design review.**

- 315 A. Design Guidelines for Nonresidential Uses. The following structures and parking
316 facilities permitted outright **or** by conditional use permit in any commercial zone shall
317 comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial
318 Districts as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant
319 to Chapter 21.25 LMC, unless otherwise specified in this chapter:
- 320 1. Construction of any nonresidential structure or building with a gross floor area of
321 more than 1,000 square feet.
 - 322 2. Construction of any parking lot and/or parking structure with 20 or more stalls or
323 paved parking area of 5,400 square feet or more.
- 324 B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family
325 structure or building including duplexes (two-family dwellings) permitted outright **or** by
326 conditional use permit or special use permit in any commercial zone shall comply with
327 Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts as
328 adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter
329 21.25 LMC, unless otherwise specified in this chapter:
- 330 C. Supersede. Applicable Lynnwood Citywide Designed Guidelines, as adopted by
331 reference in LMC 21.25.145(B)(3), shall supersede any development standards and
332 requirements of this chapter that may conflict, unless otherwise specified in this chapter.
- 333 D. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify
334 development project sites within a gateway or prominent intersection location. Such sites
335 shall be subject to applicable gateway and/or prominent intersection design guidelines
336 identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as
337 adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within
338 a gateway or prominent intersection location, then the entire project shall comply with the
339 applicable design guidelines.

340
341 **Section 19.** Section 21.46.110. entitled “Limitations on Uses - General” of the Lynnwood Municipal
342 Code, is amended to read as follows:

343
344 **21.46.110 Limitations on uses - General.**

345 Every use shall be subject to the requirements of applicable codes and in addition, the
346 regulations in this section and LMC 21.46.11 through 21.46.119 shall apply.

- 347 A. General Performance Standards.
- 348 1. Artificial lighting shall be hooded or shielded so that direct light of lamps
349 will not result in glare when received from beyond the property;
 - 350 2. Any machinery or operation which generate air or ground vibrations
351 shall be muffled to eliminate any sensation of sound or vibration beyond
352 the property;
 - 353 3. Arc welding, acetylene torch cutting or similar processes shall be
354 performed so as not to be seen from any point beyond the property, and
355 in no case shall be visible to drivers on the adjacent streets;
 - 356 4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the
357 property is prohibited. Dust and other types of air pollution borne by
358 wind from such sources as storage areas and roads shall be minimized by
359 landscaping where feasible or by paving or other acceptable means;

- 360 5. On-site hazardous waste treatment and storage facilities are permitted as
361 accessory uses to any activity generating hazardous waste and lawfully
362 allowed in LMC 21.46.100; provided, that such facilities meet the state
363 siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- 364 B. Outdoor Uses. All business uses and activities shall be located within an entirely
365 enclosed building, except as indicated below:
- 366 1. General regulations. Any uses and activities which are permitted to
367 occur outdoors by LMC 21.46.100, or by other provisions of this title,
368 subject to the following:
- 369 a. The use or activity shall not encroach on site screening or
370 landscaping as currently required by this title or other city
371 ordinances;
- 372 b. The use or activity shall not block pedestrian traffic or fire lanes.
- 373 c. The use or activity shall observe the same minimum front, side,
374 and rear yards as apply to buildings, on sides adjoining public
375 streets, except that such yards may be used for outdoor customer
376 parking and for other uses and activities which are permitted
377 outdoors;
- 378 d. The highest point of any item displayed within that area shall not
379 be more than six feet in height from an even grade and at least 10
380 feet from the right-of-way line; and
- 381 e. Items, which in the opinion of the fire chief, present a potential
382 fire hazard shall be located 15 feet from any interior property
383 line and shall be arranged to provide 20-foot fire lanes no more
384 than 300 feet apart.
- 385 2. Incidental Outdoor Displays. For uses not included in the foregoing
386 subsection (B)(1) of this section, incidental outdoor displays are
387 permitted in conjunction with the indoor sales of similar merchandise
388 conducted by the same business. Such displays shall be displayed on
389 racks, pallets, or in neat stacks and shall be located in areas underneath
390 marquees, canopies, or overhanging roofs. If no marquees, canopies, or
391 overhanging roofs exist, such displays shall be not more than eight feet
392 from the walls of buildings. All limitations specified in subsection
393 (B)(1) of this section shall apply.
- 394 3. Business Serving Customers in Automobiles. Automobile service
395 stations, drive-in restaurants, and other businesses which primarily
396 service customers in automobiles as an inherent trait of the business shall
397 not be permitted to store or display merchandise outdoors, except as
398 specified herein and in subsections (B)(1) and (B)(2) of this section.
- 399 4. Commodities Requiring Outdoor Storage. Commodities which would be
400 damaged if required to be kept indoors, including but not limited to
401 growing stock in connection with horticultural nurseries, whether the
402 stock is in open ground, pots or containers; open air sales areas for
403 firewood, trees, shrubs, plants, and home gardening supplies and
404 equipment; and public utility facilities (see LMC 21.46.118(B)) are
405 allowed outdoors subject to the provisions of subsection (B)(1) of this
406 section.
- 407 ~~5. All Properties Zoned to the Community Business Zone. The on-site
408 parking and storage of rental automobiles and light trucks (rated at one
409 ton capacity or less) is allowed; however, such parking and storage shall
410 be restricted to:~~

- 411 a. ~~A staging area for a maximum of five vehicles. This area may~~
412 ~~be located within existing parking lots, but shall not utilize~~
413 ~~parking stalls required by LMC 21.18.800 for the uses on the~~
414 ~~site. The staging area shall be paved and striped to the standards~~
415 ~~of Chapter 21.18 LMC and shall be designated for use by rental~~
416 ~~vehicles only.~~
417 b. ~~A storage area for a maximum of 15 vehicles. This area shall be~~
418 ~~located no closer to a public street than a point equal to the~~
419 ~~closest part of any building on the site to the street and shall be~~
420 ~~screened with landscaped area at least five feet wide containing~~
421 ~~evergreen conifer trees with a minimum height of six feet and~~
422 ~~spaced no more than 15 feet on center, backed by a six-foot~~
423 ~~fence which forms an effective barrier to sight; the remainder of~~
424 ~~the planting strip shall be planted with low evergreen plantings~~
425 ~~which will mature to a total groundcover within five years.~~
426 6. Cross Reference. See also LMC 21.46.100.
427 C. On-Site Processing. All products made incidental to a permitted use which are
428 manufactured, processed or treated on the premises shall be sold on the premises
429 only, and retail only.
430
431

432 **Section 20.** Section 21.46.111, entitled “Limitations on Uses – Auto-oriented uses” of the
433 Lynnwood Municipal Code, is amended to read as follows:
434

435 **21.46.111 Limitations on uses – Auto-oriented uses.**

- 436 A. ~~Automobile Agencies. New car automobile sales and display room buildings and the~~
437 ~~repair and servicing necessary to the business are permitted as an indoor use. In the~~
438 ~~Community Business (B-1) zone, used car sales are permitted accessory to the new car~~
439 ~~agency as an indoor use, or on open lot which does not exceed two times the area of the~~
440 ~~agency building and which contiguous to the new car agency. The used car area shall be~~
441 ~~other than the required off-street parking area.~~
442 B. Full-Service, Self-Service Stations, and Gas Stations. These uses are permitted only by
443 means of a conditional use permit. All full-service, self-service, and gas stations shall be
444 developed in accordance with the following regulations:
445 1. Purpose – The purpose of this subsection is to promote the public health, safety,
446 and general welfare in the city by establishing standards for the site design and
447 operation of full-service stations, self-service stations, and gas stations, and
448 convenience stores when combined with the aforementioned uses. The need for
449 such standards is created by the typical close spacing of curb cuts and the
450 frequency with which vehicles enter and leave the sites. This is an inherent trait
451 of these uses. Conflicts with normal traffic patterns on arterial streets increase
452 the potential for automobile accident and injury to passengers and pedestrians,
453 and contribute to traffic congestion. By establishing standards for such uses and
454 their ingress and egress, it is intended that the smooth flow of traffic will be
455 facilitated and greater safety will be provided for automobile passengers and
456 pedestrians. It is also the purpose of this chapter to establish bulk regulations
457 including standards for landscaping and signs, consistent with the aesthetic
458 objectives of the city as indicated in the texts of the official plans of the city and
459 as are appropriate to the characteristics of this industry.
460 2. Development Standards. In addition to any applicable development standards
461 and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC

- 462 21.25.145(B)(3), development of full-service stations, self-service stations, and
463 gas stations, and convenience stores when combined with any of these stations,
464 shall comply with the following standards:
- 465 a. Minimum Street Frontage. One hundred fifty feet of frontage is
466 necessary for street frontages which have two accesses. This figure can
467 be reduced appropriately if the number of curb cuts is also reduced.
 - 468 b. Minimum Lot Area. As provided for the applicable zone.
 - 469 c. Minimum Setbacks for Buildings and Canopies. Minimum setbacks for
470 buildings as provided for the applicable zone. However, canopies shall
471 be set back a minimum of 20 feet from public street right-of-way.
 - 472 d. Site-Screening Standards for Side Yard and Rear Yard. As provided for
473 the applicable zone.
 - 474 e. Off-Street Parking and Landscaping. Same as Chapter 21.18 LMC
475 except that a 20-foot wide landscaping strip shall be required along the
476 street frontage. This 20-foot landscaping strip is in lieu of the five
477 percent landscaping required in the interior of the parking area. This
478 requirement shall supersede applicable design guidelines. However,
479 when the service stations described in subsection (B)(2) of this section
480 are contained within buildings located closer to the street than fuel pump
481 islands, canopies and parking areas, then a 15-foot wide street frontage
482 landscape strip shall be required.
 - 483 f. Street Standards. All public rights-of-way shall be fully improved to the
484 center of the street with paving, curb, gutter, and sidewalk to city
485 standards.
 - 486 g. Driveways. Driveways shall be designed and located according to public
487 works department standards.
 - 488 h. Separation Between Parking and Pump Island. Where there are parking
489 stalls backing up to pump islands, the minimum distance between pump
490 islands and off-street parking shall be 40 feet from the end of the stall to
491 the pump island.
 - 492 i. Signs. See LMC 21.16.310 for sign regulations.
 - 493 j. Lighting Standards. All lighting shall be so arranged and shielded as to
494 confine all direct light rays entirely within the boundary lines of the site,
495 as to prevent, to the extent practicable, reflected light rays from shining
496 upon other properties, and as to avoid glare onto any portion of any
497 adjacent right-of-way or into the path of oncoming vehicles.
 - 498 k. Dumpster Enclosures. All dumpster enclosures shall meet the setback
499 requirements for the applicable zone. The enclosure shall not exceed six
500 feet in height and shall consist of a solid fence made of wood or masonry
501 material.
 - 502 l. Building Height and Maximum Lot Coverage and Interior Yard
503 Setbacks. As provided for the applicable zone.
- 504 3. Operation, Supervision, and Maintenance Restrictions.
- 505 a. ~~Unattended coin operated and unattended self-service dispensing of fuel~~
506 ~~shall not be permitted.~~
 - 507 ~~b.~~ a. Services rendered, and products stored on the premises and sold there
508 shall be limited in accordance with the activities includes in the
509 definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as
510 approved by conditional use permit.
 - 511 e. b. ~~Wrecked or dismantled vehicles shall not be stored out of doors for more~~
512 ~~than 24 hours.~~ Operation of a rental agency or sale lot for automobiles,

513 trucks, trailers or other equipment or other business accessory to the
514 operation of a full-service station, self-service station, and gas station,
515 shall require a separate occupancy permit and business license. These
516 uses would only be allowed as an accessory use if they are permitted in
517 that zone as a separate use. The application for the occupancy permit
518 and a business license shall be accompanied by a site plan, and any
519 vehicle or equipment involved shall be stored or parked in areas defined
520 on the site plan and shall be kept in neat and orderly manner. The
521 development for the accessory use shall meet all applicable city
522 regulations.

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

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

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

535 ~~g.~~ f. Amusement devices as defined by LMC 5.60.030(A) are not permitted in
536 conjunction with the uses allowed by this subsection.

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

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

546 i. Wrecked or dismantled vehicles shall not be stored out-of-doors for more
547 than 24 hours.

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

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

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

560 a. The proposal meets the International Fire Code and International
561 Building Code.

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

- 563 c. The proposal meets all other applicable city and governmental
564 regulations.
- 565 7. Exceptions. There shall not be any relaxation of development standards as
566 provided for in LMC 21.24.100. Any exceptions to these standards shall be
567 subject to the variance criteria as found in Chapter 2.22 LMC. However, the
568 hearing examiner may consider these criteria as part of the conditional use permit
569 process, instead of a separate variance process.
- 570 C. Park and Pool Lots. Park and pool lots may be permitted by a conditional use permit. In
571 considering such a conditional use, the hearing examiner shall review all impacts upon
572 the surrounding neighborhood, including but not limited to traffic, location, displacement
573 of required stalls, ingress and egress, signs, and illumination. The applicant must submit
574 a site plan with the property boundaries and the location of all buildings with their
575 respective floor areas designated on the drawing. The available parking stalls to be used
576 for a park and pool lot must be designated on the submitted site plan. Drawings depicting
577 the proposed signs should also accompany the applications.
578

579 **Section 21.** Section 21.46.112, entitled "Limitations on Uses – Restaurants" of the Lynnwood
580 Municipal Code, is repealed as follows:

581
582 ~~21.46.112 — Limitations on uses — Restaurants~~

- 583 ~~A. — Restaurants. In the Limited Business (B-2) zone, it is intended to permit restaurants for~~
584 ~~the convenience of persons employed in the zone. Restaurants are permitted either as an~~
585 ~~accessory use within an office building, or as the principal use of a separate site providing~~
586 ~~it fully occupies a site equal to the minimum area specified in the development standards.~~
587

588 **Section 22.** Section 21.46.113, entitled "Limitations on Uses – Institutional uses" of the Lynnwood
589 Municipal Code, is repealed as follows:

590
591 ~~21.46.113 — Limitations on uses — Institutional Uses~~

592 ~~A. — Child Day-Care Center.~~

- 593 ~~1. — Considerations. A child day-care center may be permitted by issuance of a~~
594 ~~conditional use permit. Before approval or denial of an application the~~
595 ~~hearing examiner will consider the need for the activity in the area and all~~
596 ~~possible impacts in the area including but not limited to the following:~~
597 ~~a. — Any adverse or significant changes, alterations or increases in traffic~~
598 ~~flow that could create a hazardous situation as either a direct or~~
599 ~~indirect result of the proposed activity;~~
600 ~~b. — Any abnormal increase in demand for any public service, facility or~~
601 ~~utility;~~
602 ~~c. — The size, location, and access of the proposed site; and~~
603 ~~d. — Any adverse effects on the standard of livability to the surrounding~~
604 ~~area.~~
- 605 ~~2. — Requirements. In any case, the approval of the conditional use shall include the~~
606 ~~following requirements:~~
607 ~~a. — The applicant must be state licensed before the operation of the facility;~~
608 ~~b. — Adequate off-street parking must be provided;~~
609 ~~c. — All outdoor play areas must be fenced with a minimum of 800 square~~
610 ~~feet plus an additional 80 square feet per additional child over 10;~~

- 611 ~~d. Site and sound screening standards for the outdoor play area must be~~
- 612 ~~met;~~
- 613 ~~e. The applicant must provide off-street access to the facility from the~~
- 614 ~~public right-of-way for the purpose of pickup and delivery of children;~~
- 615 ~~f. The applicant must indicate the ages of the children to be cared for.~~
- 616

617 **Section 23.** Section 21.46.116, entitled “Limitations on Uses – Residential uses” of the Lynnwood
 618 Municipal Code, is amended to read as follows:

619

620 **21.46.116 Limitations on uses – Residential uses**

- 621 A. Motels and ~~Motor~~ Hotels. The initial development must contain at least 20 units
- 622 composed of multiple-unit type buildings and shall provide hotel and services, including
- 623 a main lobby, desk attendant, and room service. When accessory uses providing services
- 624 for the ~~motor hotel~~-patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs,
- 625 pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented
- 626 internally. Provisions for public functions such as banquets or meetings need not be
- 627 oriented internally.
- 628 B. **Multiple-Family Housing.**
- 629 1. ~~Except for properties zoned PCD~~ For properties zoned NC, dwellings may be
- 630 permitted in commercial or office buildings on the ~~fourth~~ second floor or higher;
- 631 provided no more than one-half the floor area of the building (not including
- 632 basements) is used for residential purposes. All provisions normally applying to
- 633 high-rise multiple-family housing shall apply.
- 634 2. For properties zone PCD, dwellings may be permitted on the second floor of
- 635 buildings or higher, provided, that:
- 636 a. General commercial, office, or similar lands uses occupy the ground
- 637 level of the building where the building faces or abuts a public street.
- 638 b. Not more than 20 percent of the linear frontage of the ground level that
- 639 faces a public street may be used for the entrance, lobby, leasing office,
- 640 etc., for the building’s residences.
- 641 c. Floor area at ground level limited to general commercial, office, or
- 642 similar uses shall have a minimum depth of 30 feet, as measured
- 643 perpendicular to the building façade, so that the floor area may be
- 644 occupiable for nonresidential land uses.
- 645 d. For development sites where the building is not accessible or visible
- 646 from the abutting public street, the community development director may
- 647 authorize dwellings to be located below the second floor of the building.
- 648 3. For properties subject to the provisions of this chapter, development with multi-
- 649 family dwellings shall provide a minimum of 40 square feet of on-site recreation
- 650 area per dwelling. The on-site recreation area shall consist of a minimum of two
- 651 of the following:
- 652 a. Individual patio, deck or balcony immediately adjacent to the
- 653 corresponding dwelling. Individual patios, decks, or balconies shall be
- 654 designed so that a six-foot by six-foot square will fit within the perimeter
- 655 of the patio, deck or balcony.
- 656 b. Outdoor recreation area accessible to all residents of the development
- 657 and designed so that a 15-foot by 15-foot square will fit within the
- 658 perimeter of the outdoor recreation area. Common outdoor recreation
- 659 areas shall include features such as: landscaped courtyard or plaza;
- 660 seating; lighting; roof-top garden; children’s play structure; and sport

661 court. Outdoor recreation areas may include overhead weather
 662 protection, but shall not be enclosed. Landscaping required within
 663 parking areas shall not be considered outdoor recreation area.
 664 c. Indoor recreation space accessible to all residents of the development and
 665 designed so that a 12-foot by 12-foot square will fit within the indoor
 666 recreation area. Indoor recreation areas shall include furnishings and
 667 fixtures for activities such as: aerobic exercise; children’s play; indoor
 668 games; sports; hobbies and crafts; and video entertainment.

669 C. Multiple-Family Housing – Highway 99 Corridor in the Neighborhood Commercial (NC)
 670 and General Commercial (CG) zones. Multiple-family housing is permitted on specified
 671 parcels in the NC and CG zones on specified parcels in the Highway 99 corridor as
 672 designated on the city of Lynnwood future land use map. Multiple-family residential
 673 development may be combined with mixed use development subject to the following
 674 bulk requirements:

675 **Table 21.46.13(a)**
 676 **Development Level**
 677

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 stories
Minimum dwelling units/acre++	N/A	20 DU/A
Maximum floor-area ratio	1.0	3.0

678 * See LMC 21.62.450 for development adjacent to residential zones (Transitional
 679 Property Lines).

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

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

689
 690 Buildings with 200 feet of Highway 99 shall be mixed use development with
 691 commercial development on the first floor. Phased development may occur on large

692 parcels but the initial development plan is required to illustrate the commercial activity
693 adjacent to Highway 99.

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

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

702 D. Convalescent and Nursing Homes, Assisted Living and Continuing Care and Housing
703 for the Elderly and Physically Disabled. These uses may be allowed by conditional use
704 permit.

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

- 716 a. The proposal's proximity to stores and services, safety of pedestrian
717 access in the vicinity, access to public transit, design measures to
718 minimize incompatibility between the proposal and surrounding
719 businesses;
- 720 b. Compliance with all applicable state, federal, and local regulations
721 pertaining to such use, a description of the accommodations, and the
722 number of people accommodated or cared for, and any structural
723 requirements deemed necessary for such intended use;
- 724 c. The amount of space around and between buildings shall be subject to
725 the approval of the fire chief as being adequate for reasonable circulation
726 of emergency vehicles or rescue operations and for prevention of
727 conflagration;
- 728 d. The proposed use will not adversely affect the surrounding area as to
729 prevent use or character of the future development;
- 730 e. Restriction to such intended use except by revision through a subsequent
731 conditional use permit.

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

- 734 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
- 735 b. Passive recreation and/or open space: 200 square feet per unit. In
736 the city's higher density multiple-family zones, developments are
737 required to provide active recreational space to help satisfy a portion of
738 the demand for recreational facilities. Housing for the elderly has a
739 similar need but is of a passive nature. Therefore, passive recreation
740 space and/or open space shall be provided. Up to 50 percent of the
741 requirement may be indoors; provided, that the space is utilized
742 exclusively for passive recreation and/or open space (i.e. arts and crafts

743 rooms, solariums, courtyards). All outdoor recreation and/or open space
744 areas shall be set aside exclusively for such use and shall not include
745 areas held in reserve for parking, as per LMC 21.18.800. All open space
746 and/or recreational areas shall be of a permanent nature, and they may be
747 restricted to use by tenants only. The use of private and semi-private
748 patios and balconies in meeting these requirements is not permitted.

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

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

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

761
762 **Section 24.** Section 21.46.118, entitled “Limitations on Uses – Light Industrial uses” of the
763 Lynnwood Municipal Code, is deleted as follows:

764
765 ~~**21.46.118 — Limitations on uses — Light industrial uses**~~

766 ~~A. — General.~~

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

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

777 ~~a. — There is a person, corporation, partnership or association with an
778 ownership interest in the business; and~~

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

783 ~~c. — The combined space of both businesses or uses exceeds 10,000 square
784 fee~~

785 ~~B. — Public Use Facilities. This use includes facilities owned by a public utility and directly
786 used in the performance of a public service but does not include offices or warehouses of
787 a public utility. Public utility offices and warehouses are permitted in the same zones and
788 on the same basis as other offices and warehouses.~~

789 ~~C. — Auto Wrecking Yards and Recycling Collection Centers. These uses may be permitted
790 by conditional use permit. In considering such a conditional use permit application, the
791 hearing examiner shall take into account all impacts upon the surrounding neighborhood
792 with particular emphasis on visual, noise, water quality, and dust impacts. Due to the~~

demonstrated tendency of wrecking yards and recycling collection centers to be visually offensive, such uses should not be located adjacent to residential zoning or to established business uses of such low intensity or having such an aesthetic emphasis as to be adversely impacted by close proximity to a wrecking yard or recycling collection center. The hearing examiner may prescribe any conditions deemed necessary to minimize the impacts of such uses.

Section 25. Section 21.46.119, entitled “Limitations on Uses – Other uses” of the Lynnwood Municipal Code, is amended to read as follows:

21.46.119 Limitations on uses – Other Uses

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

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

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

€ A. Wireless Communication Facility. A conditional use permit for a wireless communication facility shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. The applicant shall demonstrate the need for the proposed tower (wireless communications support structure) to be located near a residential area, the procedures involved in the site selection and evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
3. A site development plan shall be submitted showing the location, size, screening, and design of all buildings and structures, including fences, the location, size and nature of outside equipment, and the location, number, and species of all proposed landscaping;
4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g. towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

- 842 5. All wireless communications facilities shall comply with national, state or local
 843 standards, whichever is more restrictive, in effect at the time of application, for
 844 nonionizing electromagnetic radiation;
 845 6. The applicant shall demonstrate a justification for the proposed height of the
 846 structures and an evaluation of alternative designs which might result in lower
 847 heights. If additional height over that allowed in the zone is justified it may be
 848 approved by the city; and
 849 7. The applicant shall include an analysis of the feasibility of future consolidated
 850 use of the proposed facility with other public utility facilities.

851 Provided that this subsection shall not apply to utility facilities located on a property
 852 which are accessory to the property which are accessory to the property or to the
 853 transmission, distribution or collection lines and equipment necessary to provide a direct
 854 utility connection to the property or neighboring properties, or to those utility facilities
 855 located on public right-of-way.

856 **D B.** Self-Service Storage Facilities in Commercial Zones. Self-service storage facilities have
 857 characteristics in common with both commercial uses and industrial uses. This
 858 subsection provides regulations to appropriately site self-service storage facilities in
 859 certain commercial zones while maintaining the desired character and function of those
 860 zones. In general, self-service storage facilities generate low levels of vehicular and
 861 pedestrian activity and do not contribute to the vitality of a commercial area compared to
 862 other commercial uses. Historically self-service storage facilities have visually
 863 resembled industrial facilities, but some recently constructed facilities have featured
 864 designs compatible with higher quality commercial development. If designed
 865 appropriately as stand-alone multistory structures that emulate the exterior architecture of
 866 residential or multifamily or as components located within larger multistory office or
 867 residential structures, self-storage uses may be located without adversely impacting
 868 comprehensive plan goals, zoning district intent or the surrounding neighborhood. Thus
 869 self-storage uses in commercial zones shall adhere to the additional development
 870 standards articulated in this chapter.

- 871 1. Use Regulations.
 872 a. Where the chapter provides for self-service storage facilities upon
 873 property zoned ~~B-1~~, CG or PCD, self-service storage facilities are
 874 permitted only within multi-story structures designed to emulate
 875 multifamily or office buildings.
 876 b. Where this chapter provides for self-service storage facilities upon
 877 property zoned CC or ACC, self-service storage facilities are permitted
 878 as an accessory use, and may occupy no more than 20 percent of the
 879 property's building floor area. With the exception of the business office
 880 and loading/unloading facilities, self-service storage facilities shall not
 881 be permitted upon the ground or street level of the multi-story building.
 882 c. Permitted Activities. The only activities permitted in individual storage
 883 units shall be the rental of the unit and the pickup and deposit of goods
 884 and/or property in dead storage. Storage units shall not be used for
 885 activities such as:
 886 i. Residences, offices, workshops, studios, hobby or rehearsal
 887 areas;
 888 ii. Manufacturing, fabrication, or processing of goods, service or
 889 repair of vehicles, engines, appliances, or other electrical
 890 equipment, or any other industrial activity;
 891 iii. Conducting retail sales of any kind including garage or retail
 892 sales or auctions or to conduct any other commercial activity;

- 893 iv. Storage of flammable, perishable or hazardous materials or the
894 keeping of animals.
- 895 d. Accessory Uses. Accessory uses such as the rental of trucks, trailers or
896 moving equipment (hand carts, jacks and lifts, etc.), the installation of
897 trailer hitches, or the sale of boxes or packing materials are permitted
898 only if they are otherwise permitted in the zone in which the facility is
899 located, and shall meet all use and development standards of the
900 commercial zone.
- 901 e. Hours of Operation:
- 902 i. Self-service storage facilities located in commercial zones shall
903 not operate or allow tenant access between the hours of 10:00
904 p.m. and 7:00 a.m. if the site abuts a Class A EDNA, as defined
905 in Chapter 10.12.LMC Noise.
- 906 ii. The director may permit extended hours of operation if the
907 facility operator demonstrates that due to facility design or other
908 factors the facility will not have significant noise impacts on the
909 adjacent Class A EDNA property. The burden of proof is on the
910 facility operator.
- 911 iii. Nothing in this section overrides or supersedes any requirement
912 of Chapter 10.12. LMC and all restrictions of Chapter 10.12.
913 LMC apply even during allowed hours of operation.
- 914 f. Outdoor Storage Prohibited. Within commercial zones, all goods and
915 property stored in a self-service facility shall be stored in an enclosed
916 building. No outdoor storage of boats, RVs, vehicles, etc., or storage in
917 outdoor storage pods or shipping containers is permitted. :
- 918 2. Development Standards. All development standards of the commercial zone in
919 which the facility is located apply unless the standard is superseded by
920 regulations in this subsection.
- 921 a. Storage Units.
- 922 i. All storage units shall gain access from the interior of the
923 building(s) or site – no unit doors may face the street or be
924 visible from off the property.
- 925 ii. If the facility abuts residentially zoned property, the facility
926 loading bays, docks or doors shall not be visible from the
927 residential property.
- 928 iii. Electrical service to storage units shall be for lighting and
929 climate control only. No electrical outlets are permitted inside
930 individual storage units. Lighting fixtures and switches shall be
931 of a secure design that will not allow tapping the fixtures for
932 other purposes.
- 933 b. Additional standards for self-service storage facilities in the commercial
934 zones as outlined in Table 21.46.13 subject to the following limitations:
- 935 i. The facility shall be located in a multi-story building.
- 936 ii. Loading docks, entrances or bays may not be located on a street-
937 facing side of a building and shall be screened from residential
938 uses.
- 939 3. Design Standards. Design review shall be required for all new construction and
940 expansions of self-service storage buildings to ensure the development has a high
941 quality design and is appropriate to the desired character of the zone it is located
942 in and the adjacent neighborhood. Self-service storage facilities shall meet the

943 requirements of Chapter 21.25 LMC, Project Design Review, and the following
944 requirements.

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

950 i. Decorative metal or wrought iron fences are preferred.
951 ii. Chain-link (or similar fences, barbed or razor wire fences and
952 walls made of precast concrete blocks are prohibited.
953 iii. Fences or walls are not allowed between the main or front
954 building on the site and the street.
955 iv. Street-front landscape areas required by the design guidelines or
956 elsewhere in this code shall not be fenced.

957 b. Ground and Upper Floor Facades. Ground floor and upper floor facades
958 for self-service storage facility buildings in commercial zones shall meet
959 the following requirements:

960 i. The ground floor transparency requirements of the commercial
961 districts design guidelines shall also apply to each floor above
962 the ground floor of a self-service storage facility building that is
963 visible from a street or from a residentially zoned area.
964 ii. The ground floor on rear or side facades facing residential areas
965 do not have to meet subsection (D)(3)(b)(i) of this section if they
966 are effectively visually screened from view from the street or
967 nearby residential uses by a transition or landscape strip.
968 iii. The design guidelines for treating blank walls and for opaque
969 walls in the design shall apply to the upper floors of self-service
970 storage buildings.
971 iv. In order to promote visual compatibility with commercial and
972 multi-family development allowed in commercial zones, self-
973 service storage facilities buildings shall incorporate architectural
974 and design features common to commercial and/or multi-family
975 development. Examples of such architectural and design
976 features include: massing, proportion; façade modulation;
977 exterior building materials and detailing; varied roof line;
978 pedestrian scale; fenestration; repetition; etc.

979 c. Street Entrance. The business office of self-service storage facilities in
980 commercial zones shall have a pedestrian entrance facing the street.

981 i. This entrance shall be considered the “main” or “principal”
982 entrance to the building for the purpose of the design guidelines
983 or other sections of this chapter even if the majority of customers
984 using the facility enter through loading docks, bays, doors or
985 other side or rear entrances.
986 ii. This entrance shall meet the design guideline prominent entrance
987 requirements.

988 d. Materials. Self-service storage facility buildings shall be surfaced in
989 high-quality materials. Unfaced concrete block, painted masonry, tilt-up
990 and pre-cast concrete panels and prefabricated metal sheets are not
991 prohibited. Prefabricated buildings are not allowed.

992 e. Design Departures. In addition to the requirements for design departures
993 in Chapter 21.25 LMC, the director shall find that a request for approval

994 of a design departure will not cause the development or the use to be
995 inconsistent with the desired character of the zone on which it is located
996 or have negative impacts on surrounding uses.
997

998 **Section 26** Section 21.46.120, entitled “General Commercial areas for controlled uses” of the
999 Lynnwood Municipal Code, is amended to read as follows:

1000
1001 **21.46.120 General Commercial areas for controlled uses.**

1002 Adult establishments and adult retail uses shall be permitted in the CG zone in the area
1003 described in subsection (A) of this section and subject to the locational and development
1004 standards contained in this section. In the event of invalidation by a court of competent
1005 jurisdiction of these provisions, adult establishments and adult retail uses shall be permitted to
1006 locate only in the CG, and subject to locational and development standards of this section.

1007 A. Location of Controlled Use Area. These regulations apply to all General Commercial
1008 zones south of a line approximately 800 feet south of 212th Street SW between 68th
1009 Avenue W and Highway 99 and south of 212th Street SW, between 67th Avenue W and
1010 68th Avenue W, and between 66th avenue W and 67th Avenue W, south of a line varying
1011 between 175 feet and 195 feet north of 212th Street SW as more particularly set forth
1012 below:

1013
1014 Beginning at the Southeast corner of the Southwest quarter of the Southeast
1015 quarter of Section 20, Township 27 North, Range 4 East, W.M.; thence West
1016 679.56 feet; thence North 175 feet to the true point of beginning thence West
1017 132.6 feet to a point eight feet East of the East line of Lot 15, Block 6, of the Plat
1018 of Seattle Heights, Division No. 3; thence North 20 feet more or less, to a point
1019 eight feet East of the Northeast corner of said Lot 15; thence West 132.5 feet,
1020 more or less, along the North line of said Lot 15 and the prolongation thereof, to
1021 the Northwest corner of said Lot 15; thence continuing West along the
1022 prolongation of said line 30 feet, more or less, to a point which is the intersection
1023 with the centerline of 67th Avenue West; thence South 192.5 feet, more or less,
1024 along said centerline of 67th Avenue West; thence South 195.2 feet, more or less,
1025 along said centerline to a point which is the intersection of the centerlines of 67th
1026 Avenue West and 212th St. SW; thence West along the centerline of 212th St.
1027 SW to a point which is the intersection of the centerlines of 212th St. SW and 68th
1028 Avenue West ; thence South along the 68th Avenue West centerline 830 feet,
1029 more or less, to the intersection of the centerline of said right-of-way and the
1030 Easterly prolongation of a line located parallel to and 160 feet South of the North
1031 line of Lot 19, Plat of Solner’s 5 Acre Tracts; thence West along said line and the
1032 prolongation thereof, to the intersection with the East line of Lot 21, Plat of
1033 Solner’s 5 Acre Tracts, said point being 160 feet, more or less, South of the
1034 Northeast corner of said Lot; thence North 20 feet, more or less; thence North
1035 89°51’00” West 130.14 feet, more or less, to the East line of the Highway 99
1036 right-of-way.

1037 B. Uses Permitted. Except for those uses listed in subsection (E) of this section, all uses
1038 permitted outright in the General Commercial zone area allowed in this controlled area
1039 and all adult establishment are allowed, subject to the location standards of subsection
1040 (C) of this section. Adult retail uses are allowed in this controlled use are subject to
1041 1. The same location standards as set forth in subsection (C) of this section for adult
1042 establishments.
1043 2. The same variance from separation requirements as set forth in subsection (D) of this
1044 section for adult establishments; and

- 1045 3. The same development standards as forth in subsection (F) of this section for adult
1046 establishments.
- 1047 C. Location Standards – Any adult establishment us which located in the city of Lynnwood
1048 shall, in addition to any other requirements, meet the following:
- 1049 ~~1. Separation from Location. No adult establishment use shall be allowed to locate~~
1050 ~~within 300 feet of any property zoned residential or P-1. ~~or any property which is~~~~
1051 ~~occupied by living quarters for homeless teenage parents.~~
- 1052 2. Measurement of Distance. The 300-foot separation shall be measured by following a
1053 straight line, without reference to intervening structures, between the nearest point on
1054 a line defining a residentially zoned or P-1 zoned property ~~or property which is~~
1055 ~~occupied by living quarters for homeless teenage parents~~ and the nearest point of the
1056 building or portion thereof used by an adult establishment.
- 1057 D. Variance from Separation Requirements. Whenever the proponent of an adult
1058 establishment subject to the separation requirements pertaining to adult establishments set
1059 forth in this chapter feels that strict application of such requirements is not necessary to
1060 achieve an effective degree of physical separation between the adult establishment and
1061 property zoned P-1 or residential ~~or which is occupied by living quarters for homeless~~
1062 ~~teenage parents~~, the proponent(s) may apply to the hearing examiner for a variance from
1063 such requirements. In determining when a variance should be granted, and if so, to what
1064 extent, the hearing examiner shall consider the following, in addition to the general
1065 criteria for variance established in Chapters 2.22 and 21.26 LMC:
- 1066 1. Topographical and other features of the land which provide actual separation between
1067 the proposed business or other land use and surrounding land uses;
- 1068 2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity;
1069 and
- 1070 3. Any other fact or circumstance which has a significant effect upon the need for the
1071 full separation distance required by this chapter.
- 1072 If after considering these criteria the hearing examiner finds that an effective
1073 separation
1074 between the proposed adult establishment and property zoned residential or P-1 ~~or~~
1075 ~~which is occupied by living quarters for homeless teenage parents~~ can be achieved
1076 without requiring the full distance of separation provided by this chapter, the hearing
1077 examiner shall determine the degree of variance to be allowed and shall grant such
1078 variance. Otherwise, the application for variance shall be denied.
- 1079 E. Prohibited Uses. The following uses are found to be incompatible with adult
1080 establishments and are prohibited in the controlled use area set forth above:
- 1081 1. Pet grooming, pet shops, and veterinary clinics;
- 1082 2. Churches, libraries, museums, art galleries and similar institutions;
- 1083 3. Schools, including pre-schools, child day-care, and nursery school;
- 1084 4. ~~Fountain and ice cream stands, r~~ Restaurant and cafeterias, drive-in car, drive-
1085 through, and take-out restaurants;
- 1086 5. Bakery retail stores and convenience stores;
- 1087 6. Hotel/motels ~~and motor hotels~~;
- 1088 7. Indoor amusement enterprises centers, as defined;
- 1089 8. Bicycle sale and repair;
- 1090 ~~9. Wholesale stores.~~
- 1091 F. Development Standards. The development standards in the controlled use area are the
1092 same as general commercial, except as follows:
- 1093 1. Signs. See LMC 21.16.310 for sign regulations.
- 1094 2. Other Standards. The following standards apply to adult establishments in the
1095 controlled use area, and the following standards shall supersede the Lynnwood

- 1096 Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that
 1097 may conflict:
- 1098 a. The starting of an adult establishment constitutes a change in use and is subject to
 1099 the nonconforming chapter in addition to these development standards;
 - 1100 b. Landscaping shall be a wall of trees created by two rows of evergreen conifer
 1101 trees. The trees shall be staggered and spaced a maximum of 10 feet on center,
 1102 so as to form an effective visual barrier within five years. The minimum tree
 1103 height shall be six feet. A permanent six-foot site-screening fence shall be placed
 1104 on the side and rear property lines;
 - 1105 c. All parking areas shall be visible from the street fronting the establishment and
 1106 shall not allow access to the rear of any structures.
 - 1107 d. The parking areas shall be fully illustrated with street light standards.
 1108

1109 **Section 27.** Section 21.46.210, entitled “Additional development standards” of the Lynnwood
 1110 Municipal Code, is amended to read as follows:

1111
 1112 **21.46.210 Additional development standards.**

- 1113 A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any indoor
 1114 displays or outdoor storage which are permitted in commercial zones, and which are not
 1115 affected by the standards of LMC 21.46.220, shall be enclosed within a site-screening
 1116 fence of sufficient height to effectively screen the outdoor display or storage from view,
 1117 and not less than six feet high in any case, set back five feet from the property line. The
 1118 outer five feet shall be landscaped with evergreen conifer trees with a minimum height of
 1119 six feet spaced a maximum of 15 feet on center and low evergreen plantings which will
 1120 mature to a total groundcover within five years; provided, however, that where these
 1121 requirements do not apply because the principal use of a property involves the display of
 1122 merchandise for view from the streets, the display area shall be improved as a parking lot
 1123 (except for paving where the nature of the merchandise makes paving impractical) with a
 1124 10-foot planting strip along the entire street frontage, as per subsection (B(2)) of this
 1125 section. Display areas shall be segregated from the required customer parking so that
 1126 there is always sufficient customer parking to meet the minimum requirements of this
 1127 code.
- 1128 B. Parking.
 - 1129 1. Capacity Requirements. For calculating the required number of parking stalls see
 1130 Chapter 21.18 LMC.
 - 1131 2. Landscaping in Parking Areas.
 - 1132 a. Purpose. The purpose of these landscaping provisions is:
 - 1133 i. To break up the visual blight created by large expanses of barren
 1134 asphalt which make up a typical parking lot;
 - 1135 ii. To encourage the preservation of mature evergreens and other
 1136 large trees which are presently located on most undeveloped
 1137 sites in this city;
 - 1138 iii. To ensure the preservation of land values in commercial zones
 1139 by creating and ensuring an environmental quality which
 1140 complements the commercial objectives of the respective land.
 - 1141 b. Planting at Street Frontages. Development sites with parking areas
 1142 located only between the sides of buildings ~~opposite the street~~ and
 1143 interior property lines shall provide shall provide a 10-foot wide planting
 1144 area along the entire street frontage, except for driveways, walkways and
 1145 other pedestrian spaces. Development sites with single-aisle, double-
 1146 loaded parking areas located between buildings and the street right-of-

1147 way, ~~parking areas between buildings or parking areas between~~
1148 ~~buildings and the closest property line~~ shall provide a 15 foot-wide
1149 planting area along the entire street frontage with the same above
1150 exceptions. Development sites with multi-aisle parking areas located
1151 between buildings and the street right-of-way shall provide a 20-foot
1152 wide planting area along the street frontage with the same above
1153 exceptions. Planting shall consist of ornamental landscaping of low
1154 plantings and high plantings. The minimum height of trees shall be eight
1155 feet for evergreen trees and 10 feet for all other species. Trees shall be
1156 spaced a maximum of 25 feet on center with branches eliminated to a
1157 height of six feet where necessary to prevent site obstruction. The
1158 required trees in this planting area may be located within the adjacent
1159 street right-of-way as long as they comply with Lynnwood Citywide
1160 Design Guidelines as adopted by reference in LMC 21.25.145(B)(3),
1161 and are approved by the public works department. Low evergreen
1162 plantings, or a mixture of low evergreen and deciduous plantings with a
1163 maximum height of 30 inches, shall be provided so as to achieve 50
1164 percent groundcover within two years.

1165 The location and width of the planting area may be modified in
1166 accordance with the following provisions: that up to five feet of the 10-
1167 foot total required may be installed in portions of city right-of-way which
1168 are not covered by impervious surfaces or, in the case of right-of-way
1169 which is not fully improved, and not projected to be covered by
1170 impervious surfaces upon full improvement.

1171 c. Landscaping in Right-of-Way. Property owners who install landscaping
1172 on portions of right-of-way not covered by impervious surfaces shall
1173 provide the city with a written release of liability for damages which may
1174 be incurred to the planting area from any public use of the right-of-way
1175 and an indemnity to the city against any injuries occurring within that
1176 portion of right-of-way so utilized.

1177 d. Coverage. Five percent of the parking areas located ~~only between on~~ the
1178 sides ~~and rear~~ of buildings ~~opposite the street~~ and interior parking lines;
1179 10 percent of parking areas between buildings ~~and, between buildings~~
1180 ~~and the closest side property line, or~~ single-aisle, double-loading parking
1181 areas located between buildings and the street; and 15 percent of multi-
1182 aisle parking areas located between buildings and streets shall be in
1183 landscaping (exclusive of landscaping on the street frontage and required
1184 landscape buffers; provided, that:

1185 i. No landscaping area shall be less than 25 square feet in area or
1186 less than three feet in width.

1187 ii. No parking stall shall be located more than 45 feet from a
1188 landscaped area; and

1189 iii. All landscaping must be located between parking stalls, at the
1190 end of parking columns, or between parking stalls and the
1191 property lines.

1192 e. Landscaping Adjacent to Parking Stalls. Where landscaping areas which
1193 fulfill city standards are adjoined by angular or perpendicular parking
1194 stalls, landscaping in the form of ground cover materials or plants may
1195 be installed in that portion of any parking stall which will be ahead of the
1196 wheels and adjacent to the landscaped area; provided, that curbing or
1197 wheel stops are installed in a position which will protect the plants from

1198 damage. Such landscaping shall not be construed to be part of the
1199 percentage of landscaped area required by this chapter nor a reduction of
1200 the parking stall.
1201 f. Additional Landscaping Along Specified Streets. Along streets where it
1202 may be desirable and feasible to obtain a higher degree of continuity in
1203 landscaping from property to property than is provided for here, the city
1204 council , upon recommendation by the planning commission, may
1205 designate specific street frontage landscaping plans for those streets.
1206
1207

1208 **Section 28.** Section 21.46.220, entitled “Additional development standards” of the Lynnwood
1209 Municipal Code, is amended to read as follows:
1210

1211 **21.46.220 Transition or Buffer Strips.**

- 1212 A. Transitional or buffer landscaped strips (also referred to as greenbelts) of which the
1213 purpose of the landscaping is to provide a sight, sound, and psychological barrier
1214 between zones with a high degree of incompatibility. The transition or buffer strips shall
1215 be installed in the following situations:
- 1216 1. Where the side yard or rear yard of a property zoned to any commercial zone is
1217 adjacent to a property zoned single-family residential:
 - 1218 a. The planting strip shall be at least 20 feet in width and shall consist of
1219 the following;
 - 1220 i. Two rows of evergreen conifer trees. The trees shall be
1221 staggered and spaced a maximum of 10 feet on center, so as to
1222 form an effective visual barrier within five years. The minimum
1223 tree height shall be six feet.
 - 1224 ii. A permanent six-foot site-screening fence shall be placed at the
1225 property line.
 - 1226 2. Where the side yard or rear yard of a property zoned to any commercial zone is
1227 adjacent to a property zoned multiple-family residential or public and semi-
1228 public.
 - 1229 a. The planting strip shall be at least 10 feet in width and shall consist of
1230 either of the following two options:
 - 1231 i. One row of evergreen conifer trees, spaced a maximum of 10
1232 feet on center. Minimum tree height shall be six feet, the
1233 remainder of the planting strip shall be promptly planted with
1234 low evergreen plantings which will mature to a total
1235 groundcover within five years; or
 - 1236 ii. A site-screening evergreen hedge. The spacing of plants shall be
1237 such that they will form a dense hedge within five years.
1238 Minimum plant height shall be four feet.
 - 1239 iii. A permanent six-foot site-screening fence shall be placed at the
1240 property line.
 - 1241 B. Maintenance – Whenever greenbelts or landscaping are required to be installed according
1242 to city zoning requirements, the plant material shall be regularly maintained and kept in a
1243 healthy condition in accordance with zoning requirements, Lynnwood Citywide Design
1244 Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and approved development
1245 plans. Maintenance shall also include regular weeding, removal of litter from landscaped
1246 areas, and repair or replanting so that the greenbelts or landscaping continue to comply
1247 with zoning requirements and/or development plans.
 - 1248 C. Minimum Standards.

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- ~~1. Planting and Fencing.~~
 - ~~a. Where a Property Zoned to Any Commercial Zone is Adjacent to a Property Zoned Single Family Residential. The purpose of the landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. The planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. A permanent six-foot site-screening fence shall be placed at the property line.~~
 - ~~b. Where a Property Zoned to Any Commercial Zone is Adjacent to a Property Zoned Multiple Family Residential or Public and Semi-Public. The planting strip shall be at least 10 feet in width and shall consist of either of the following two options:
 - ~~i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or~~
 - ~~ii. A site-screening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.~~~~
 - ~~————— A permanent six-foot site-screening fence shall be placed at the property line.~~
 - 2.1. Signed Plans. All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to 20 feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill city code requirements within five years.
 - 3.2. Installation Prior to Occupancy. All landscaping that fulfills the city code requirements shall be installed prior to occupancy of any structure located on the same site.
 - If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the city shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500.00. The security shall not extend for a period of more than 30 days. If within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.
- D. Fence Regulations.
- 1. Definition. For the purposes of this section, a “site-screening fence” means a solid one-inch-thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence.
 - 2. Exceptions. Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially

1299 destroyed, then the owner of the property first being required by the section to
1300 provide the necessary fence will be responsible for replacing the fence.

1301 In those cases where the slope of the land is such that the location of a
1302 fence required by the above standards is impractical or ineffective in satisfying
1303 the intent of this section, the community development director may, at his
1304 discretion, permit a location which more adequately satisfies the intent of this
1305 section.

1306 E. Exception. The community development director may reduce the required buffer width
1307 and revise the required planting and fencing if the director finds, that, due to the intensity
1308 of existing or proposed landscaping, the amount and type of mature existing vegetation,
1309 change in topography between properties, use of the properties along the abutting
1310 property line, or other characteristics of the abutting properties, a reduced buffer width
1311 or deviation from the code landscape requirements will provide adequate separation
1312 between the properties.

1313 The community development director may approve variation from the degree and
1314 type of code required landscaping on their own initiative.

1315 A request for approving a reduction in a required buffer shall be made in writing
1316 and shall describe fully the reduction and the basis for the request. The fee for processing
1317 a request shall be \$200.00. The person(s) requesting the buffer reduction bear the burden
1318 of proof that the reduced buffer will provide adequate separation and screening between
1319 properties.

1320 At least 28 calendar days prior to acting on a request for buffer reduction, notice
1321 of the request shall be mailed to the owners of all properties that abut the site of the
1322 proposed reduction. Action on a request may not be taken until this noticing period has
1323 expired.

1324 Anyone may appeal a determination regarding an exception by the director under
1325 this subsection by filing a written statement of the reason(s) for the appeal with the
1326 community development department. Such an appeal shall be processed pursuant to
1327 Process II (LMC 1.35.200 et. seq).

1328
1329
1330 **Section 29.** Section 21.46.900, entitled "Other regulations" of the Lynnwood Municipal Code, is
1331 amended to read as follows:

1332
1333 **21.46.900 Other Regulations**

1334 A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed
1335 refuse recycling collection areas shall be provided on sites where new buildings are being
1336 constructed or existing buildings are being remodeled or expanded, and shall comply
1337 with the requirements of this section. One-family dwelling units, two-family dwelling
1338 units, and public parks are exempt from the requirements of this section.

1339 1. Development Standards. Refuse and recycling collection areas in all commercial
1340 zones shall comply with the development standards below. The following
1341 development standards shall supersede other applicable setback requirements of
1342 this chapter and any Lynnwood Citywide Design Guidelines, as adopted by
1343 reference in LMC 21.25.145(B)(3), that may conflict.

- 1344 a. Set back of a minimum of 25 feet from a public street;
1345 b. Set back a minimum of 25 feet from any interior property line adjoining
1346 an RS or RM zone or a P-1 zone with one-family dwelling units if a
1347 business site is one acre or larger in area; or

- 1348 c. Set back a minimum of 15 feet from any interior property line adjoining
 1349 an RS or RM zone or a P-1 zone with one-family dwelling units if a
 1350 business site is less than one acre in area.
- 1351 2. Enclosure. All refuse and recycling collection areas shall be enclosed on three
 1352 sides by a six-foot-high sight-obscuring fence which uses building materials,
 1353 color, and design details similar to the primary buildings on the site and a six-
 1354 foot-high gate on one side. The height of the enclosure may include the height of
 1355 a surrounding slope or berm (height measured from bottom inside edge of the
 1356 collection area). The enclosure shall include a gate which can be secured in an
 1357 open or closed position. If the enclosure includes a gate made of metal chain link
 1358 fencing, the fencing shall contain slates which screen the view of containers and
 1359 materials inside the collection area. An alternative design may be approved if it
 1360 is determined that such alternative would provide equal or better screening,
 1361 architectural compatibility, and containment.
- 1362 3. Parking. No refuse and recycling collection area shall be located in such a way
 1363 that new or existing parking stalls will prevent or interfere with the use and
 1364 servicing of the collection area.
- 1365 4. Design. Refuse and recycling collection areas shall be sized, located, and
 1366 constructed per standards established by the public works department.
- 1367 B. Procedural Requirements for Proposed Rezoning to the Neighborhood Commercial Zone
 1368 (NC)
- 1369 The minimum and maximum area specified in LMC 21.46.200(A) shall apply to all
 1370 future rezones to the Neighborhood Commercial zone-~~(B-3 NC)~~.
- 1371 In addition, the applicants shall provide such market information as may be
 1372 required by the planning commission or city council in determining whether the proposed
 1373 development will promote the general welfare of the city. Businesses which are
 1374 nonconforming in another zone but which would be conforming if zoned Neighborhood
 1375 Commercial (NC) may be rezoned Neighborhood Commercial without regard to the
 1376 minimum and maximum area, upon a finding that such a rezone would be in the public
 1377 interest and/or the businesses in question would be consistent with the general intent of
 1378 the Neighborhood Commercial zone.
- 1379 C. Requirements for Development of Properties in the ~~Community Business and~~ General
 1380 Commercial (CG) zones.
- 1381 1. Plans. Shopping centers or other multi-store retail developments in the
 1382 ~~Community Business and~~ General Commercial zones shall be subject to the same
 1383 site plan and utility plan requirements as are required in the Neighborhood
 1384 Commercial (NC) zone. The plan shall include a landscaping plan as per LMC
 1385 21.46.210(B); provided, however, that an alternate arrangement as per LMC
 1386 21.46.210((B)(2)(d) may be approved by the planning commission if it finds that
 1387 the alternate plan would be more effective in meeting the stated objectives of
 1388 LMC 21.46.210(B).
- 1389 2. Site Utilization. Unless the site plan provides for full utilization of the lot or
 1390 parcel, the utilized part shall be officially divided from the remainder of under
 1391 the city subdivision regulations and the subdivision shall conform to all normal
 1392 subdivision requirements. As a condition of the subdivision, the city may require
 1393 that all parcels of the subdivision have common access to public streets.
- 1394 ~~D. Cooperative Development of Adjacent Properties in Commercial Zones and~~
 1395 ~~Nonresidential Projects Developed in Zones Other Than Commercial Zones, Except the~~
 1396 ~~Planned Regional Commercial (PRC) Zone. It is hereby declared to be the policy of the~~
 1397 ~~city to encourage in the zones referred to in this caption adjoining properties that are so~~
 1398 ~~situated as to be developed or redeveloped through cooperative plans for access, egress,~~

1399 ~~and parking facilities to do so by a relaxation of the total parking requirement for such~~
 1400 ~~properties. Property owners desiring to take advantage of said policy may submit~~
 1401 ~~detailed plans to the city, and if such plans are approved by the appropriate city~~
 1402 ~~departments, the required off-street parking for each respective parcel may be reduced by~~
 1403 ~~twice the number of stalls that could be accommodated by the actual square footage of~~
 1404 ~~land provided by each respective parcel for a common driveway, provided:~~
 1405 ~~1. That such reduction in parking will not reduce parking by more than 10 percent~~
 1406 ~~of the amount otherwise required;~~
 1407 ~~2. A coordinated parking lot layout and landscaping plan is submitted, approved,~~
 1408 ~~and conforms to the specifications of this code;~~
 1409 ~~3. In circumstances where buildings already exist, that the plans include a~~
 1410 ~~reasonable effort to coordinate, redesign or refinish the exterior of the buildings~~
 1411 ~~in a unified manner so as to improve the visual image of the street and vicinity;~~
 1412 ~~4. The plans provided for streets adjoining the properties involved to be improved~~
 1413 ~~to city standards, including sidewalk, curb, and gutter, or reasonably equivalent~~
 1414 ~~guarantee or such improvement are provided in LMC 16.04.250;~~
 1415 ~~5. Traffic flow is improved through joint use of the same entrances;~~
 1416 ~~6. That the parties owning the properties have entered into a written agreement~~
 1417 ~~suitable for filing with the county auditor,, defining their rights, duties reciprocal~~
 1418 ~~easements, and generally providing for maintenance and repair in such a manner~~
 1419 ~~that the planning commission is reasonably assured that the property will have an~~
 1420 ~~orderly, permanent management, which agreement shall notify persons dealing~~
 1421 ~~with the title to said lands that the right to reduce parking is conditional upon the~~
 1422 ~~continued existence of the common driveway;~~
 1423 ~~7. The city has received consent by all owners that additional building permits on~~
 1424 ~~any of the land so affected will not be issued by the city unless separate and/or~~
 1425 ~~additional parking is provided.~~

1426 E.D. Surface Water Management. All building permit applications and site plans required
 1427 herein shall provide adequate facilities for the management of surface water.

1428 F.E. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of
 1429 nonconforming uses.

1430
 1431 **Section 30.** Chapter 5.92 entitled “Living Quarters for Homeless”, of the Lynnwood Municipal Code,
 1432 including Sections 5.92.010 (Definitions), 5.92.020 (License), 5.92. 030 (Adult Supervisor), 5.92.040
 1433 (Maximum number of persons) and 5.92.050 (Preference) is repealed.

1434
 1435 **Section 31.** Table I-1. Plan and Zone Consistency of the Implementation Element of the City of
 1436 Lynnwood Comprehensive Plan is amended to read as follows:

1437
 1438 **Table I-1 Plan and Zone Consistency**

Plan Land Use Designation	Consistent Zoning
SF-1 – Low-density Single-family	RS-8 – Low density Single-family MHP – Mobile Home Park
SF-2 – Medium-density Single-family	RS-7 – Medium-density Single-family MHP – Mobile Home Park
SF-3 – High-density Single-family	RS-4 – High Density Single-family MHP – Mobile Home Park
MF-1 – Low-density Multi-family	RML – Low-density Multi-Family MHP – Mobile Home Park

MF-2 – Medium-density Multi-Family	RMM – Medium-density Multi-Family MHP – Mobile Home Park
MF-3 – High-density Multi-Family	RMH – High-density Multi-family MHP – Mobile Home Park
MU – Mixed Use	MU – Mixed Use CDM – College District Mixed Use CR – Commercial-Residential PCD – Planned Commercial Development
LC – Local Commercial	B-3 NC – Neighborhood Commercial
CC – Community Commercial	B-2 – Limited Business
RC – Regional Commercial	B-1 Community Business NC – Neighborhood Commercial CG – General Commercial PCD – Planned Commercial Development PRC – Planned Regional Center
City Center	CC-W – City Center-West CC-C – City Center Core CC-N – City Center-North
BT – Business/Technical Park	BTP – Business/Technical Park
I – Industrial	LI – Light Industrial
PF - Public Facilities	P-1 – Public Use
PRO – Parks, Recreation, and Open Space	P-1 – Public Use
H99 – Highway 99 Corridor	HMU – Highway 99 Mixed Use CG – General Commercial
Alderwood – City Center Transition Area	ACC – Alderwood-City Center Transition Area
SF-4 – High Density- Single Family MUGA	TBD
WFB – Waterfront Beach	TBD
MUCTR – Mixed Use Urban Center	TBD

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

Section 33. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth herein.

PASSED BY THE CITY COUNCIL, the __day of __, 2016.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

1457 Rosemary Larson

1458

1459

1460 ~~21.02.272~~ — ~~Dance, public.~~

1461 — ~~“Public dance” means any dance that is open to the public and which:~~

1462 ~~A. Is conducted for a profit, direct or indirect; or~~

1463 ~~B. Requires a monetary payment or contribution from the person admitted.~~

1464 ~~The term “public dance” does not include a banquet, party or celebration conducted for~~
1465 ~~invited guests which is not open to the public.~~

1466

1467 ~~21.02.273~~ — ~~Dance hall, license.~~

1468 — ~~“Licensed dance hall” means any place or premises where a public dance is conducted,~~

1469 ~~including but not limited to all parking areas, hallways, bathrooms, and adjoining areas~~

1470 ~~accessible to the public during the dance and which is required to be licensed pursuant to Chapter~~

1471 ~~5.25 LMC. For the purposes of this title, the term “licensed dance hall” shall not include:~~

1472 ~~A. Businesses which provide areas for dancing accessory to a restaurant or tavern use. A~~

1473 ~~dance area is accessory to a restaurant or tavern if it is less than 25 percent of the total~~
1474 ~~floor area of the restaurant or tavern; or~~

1475 ~~B. Commercial recreation business (e.g. skate rinks) which occasionally conduct public~~
1476 ~~dances on the premises.~~

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1479

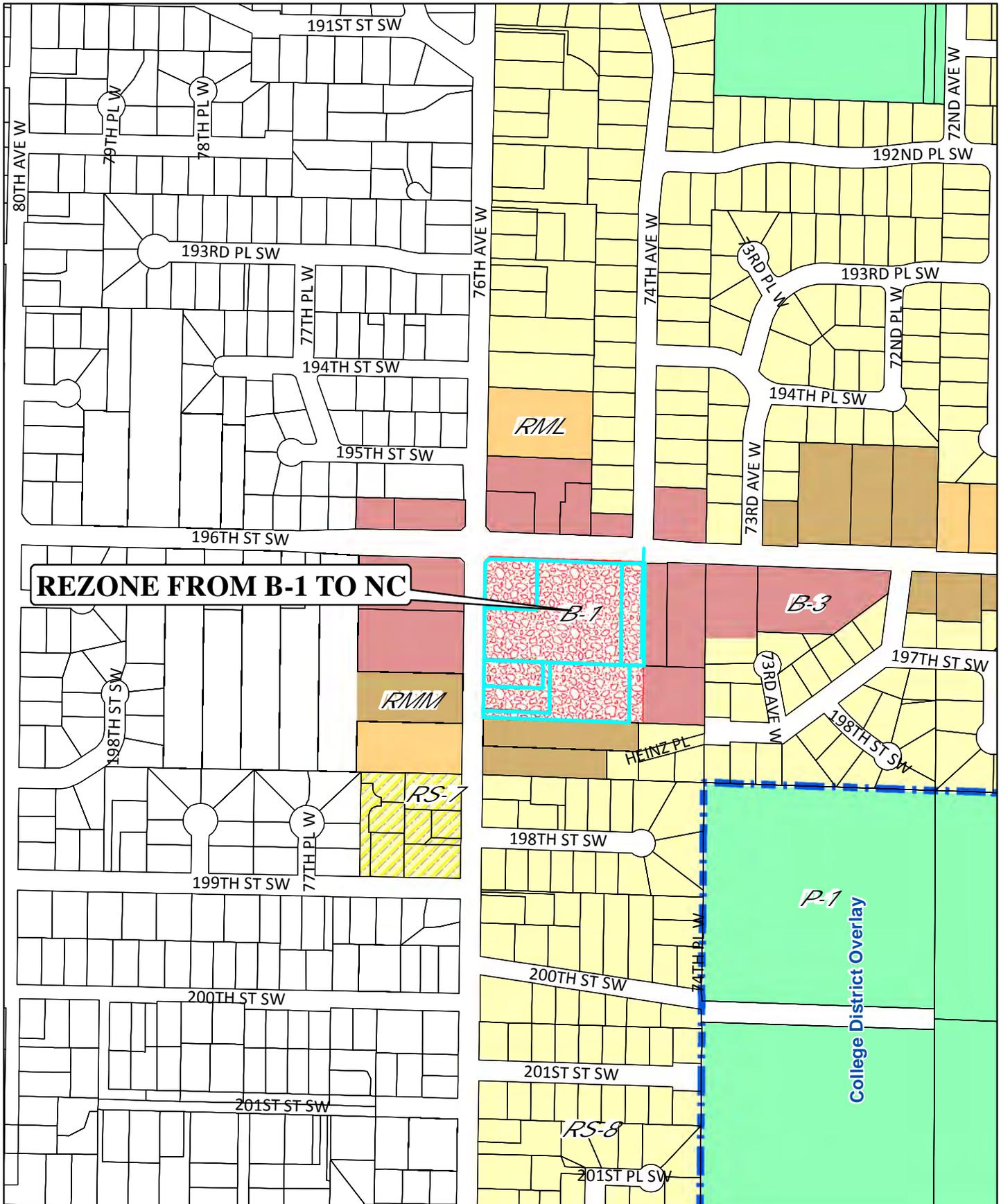
1480 On the day of , 2016, the City Council of the City of Lynnwood, Washington, passed
1481 Ordinance No._. A summary of the content of said ordinance, consisting of the title,
1482 provides as follows:

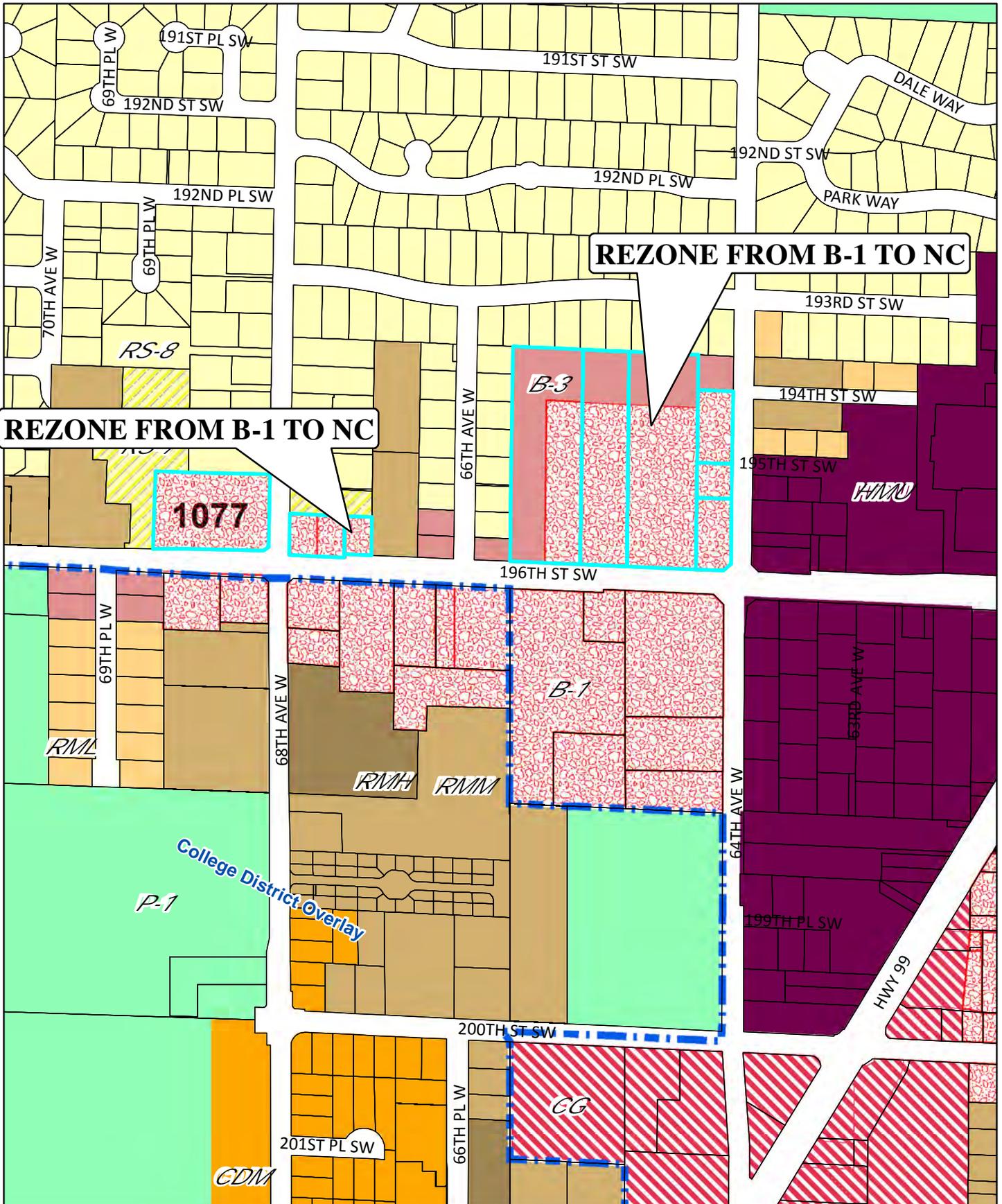
1483 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO
1484 CHAPTER 21.02 DEFINITIONS (REPEALING SECTIONS 21.02.272 AND 21.02.273),
1485 CHAPTER 21.46 COMMERCIAL ZONES, (AMENDING SECTIONS 21.46.050,
1486 21.46.100, 21.46.110, 21.46.111, 21.46.112, 21.46.116, 21.46.118, 21.46.119,
1487 21.46.120, 21.46.210, 21.46.220 AND 21.46.900, AND REPEALING SECTIONS
1488 21.46.112 AND 21.46.113) AND REPEALING CHAPTER 5.92 IN ITS ENTIRETY OF
1489 THE LYNNWOOD MUNICIPAL CODE, AND AMENDING TABLE I-1 OF THE
1490 IMPLEMENTATION ELEMENT OF THE COMPREHENSIVE PLAN, PROVIDING FOR
1491 SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

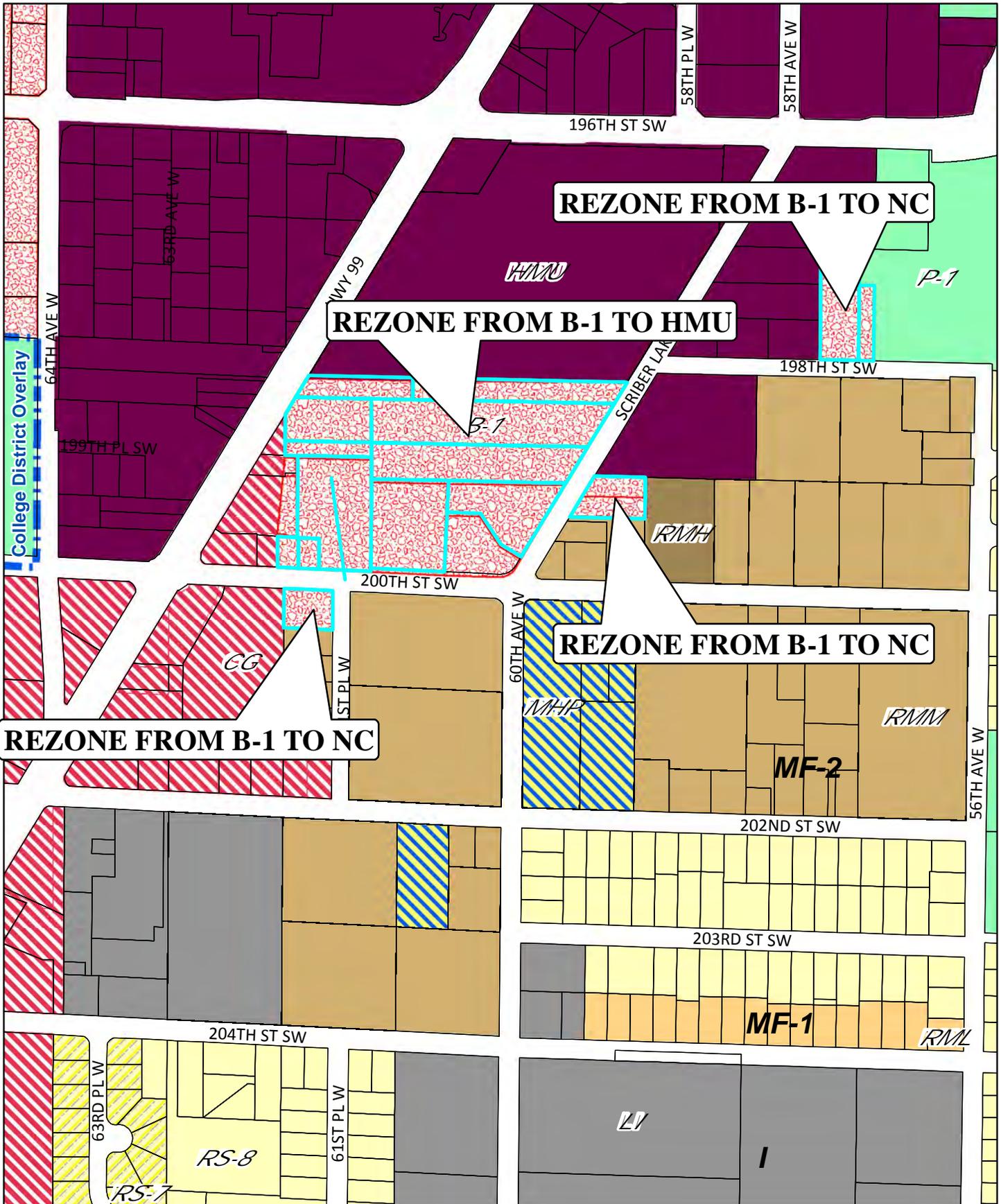
1492
1493 The full text of this Ordinance will be mailed upon request.

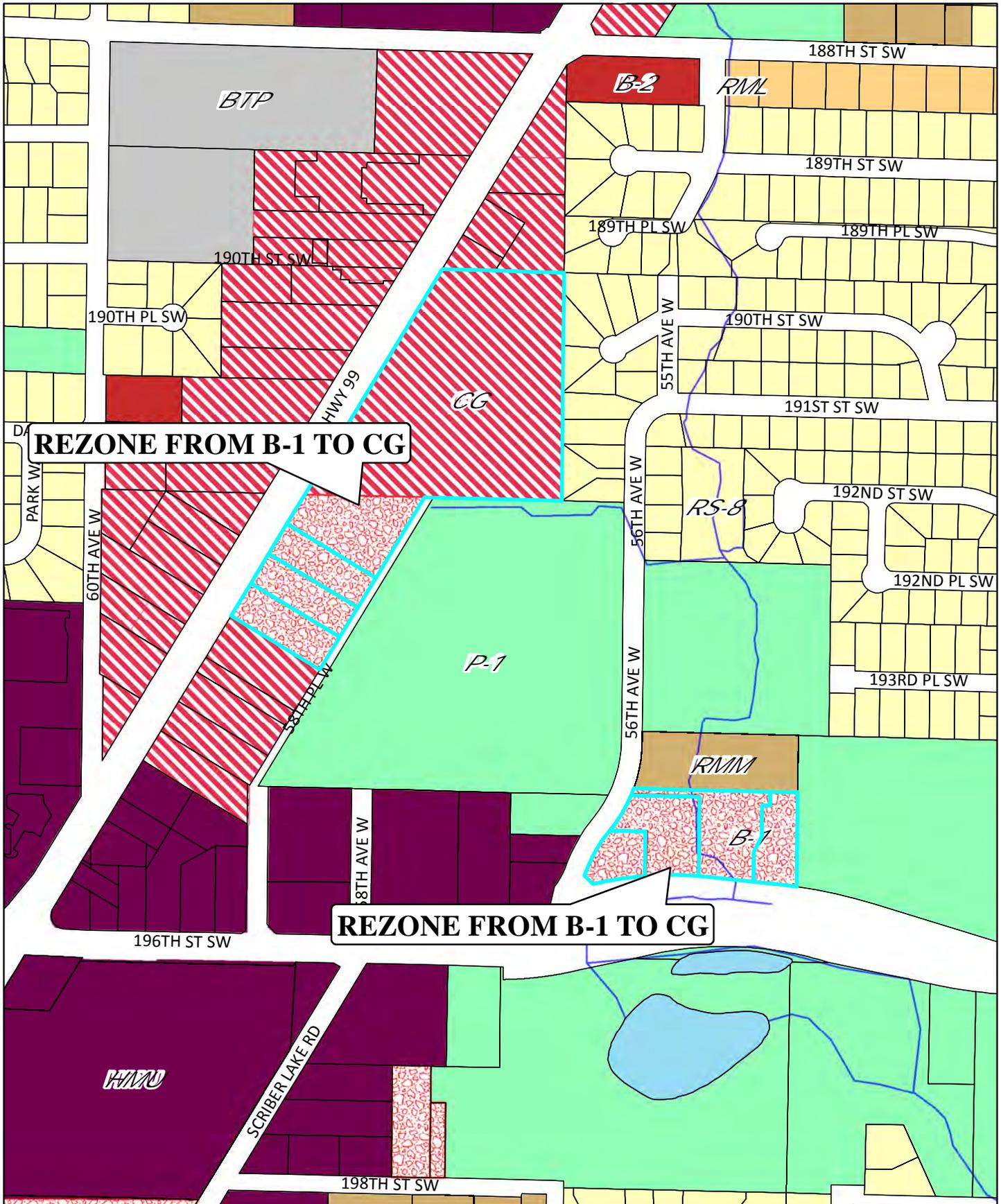
1494
1495 DATED this_day of June , 2016.

1496
1497
1498 _____
1499 Finance Director
1500

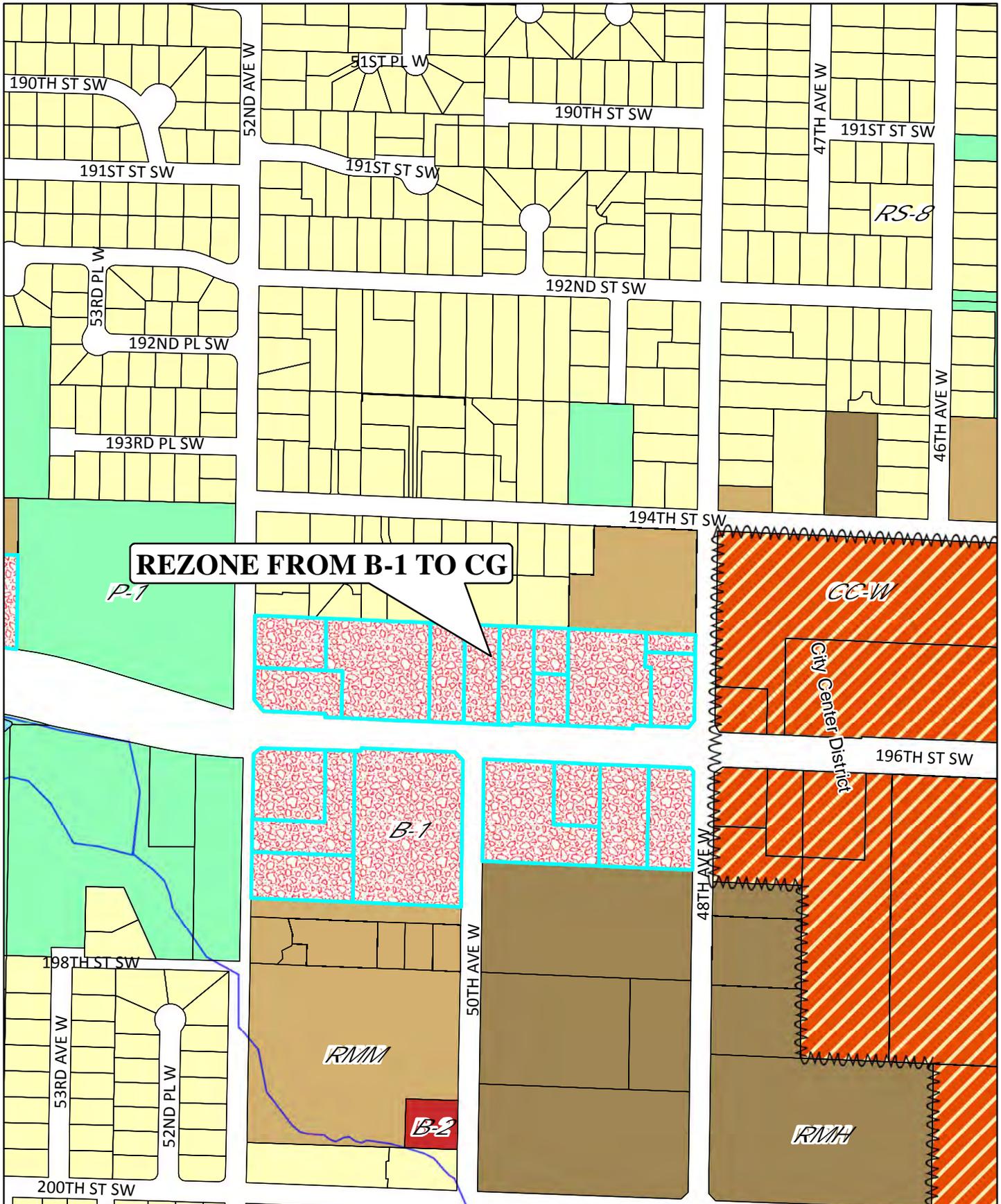








Zoning



Zoning

