



AGENDA

Lynnwood Planning Commission

Meeting

Thursday, November 10, 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. October 26, 2016 meeting

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

D. PUBLIC HEARINGS

E. WORK SESSION TOPICS

1. Amendments to Titles 1, 5 and 21 LMC

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
October 26, 2016 Meeting**

Commissioners Present:	Staff Present:
Chad Braithwaite, Chair	Todd Hall, Planning Manager
Robert Larsen, First Vice Chair	Gloria Rivera, Senior Planner
Michael Wojack, Second Vice Chair	Chanda Emery, Senior Planner
Maria Ambalada	
Shanon Tysland	
Commissioners Absent: None	Other:
Richard Wright (excused)	Councilmember George Hurst

Call to Order

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

Approval of Minutes

1. Approval of Minutes of the September 22, 2016 and October 12, 2016 Meeting Meetings

Motion made by Commissioner Ambalada, seconded by Commissioner ____, to approve the minutes as presented. **Motion** passed unanimously (5-0).

Citizen Comments

None

Public Hearing

1. 2016 Comprehensive Plan Amendments and Rezones

The public hearing was opened at 7:03 p.m.

Staff Presentation:

Planning Manager Todd Hall stated there were three items on the Comprehensive Plan Amendments and Rezones: Kid City Comprehensive Plan Amendments; Parks, Recreation, and Open Space Element Comprehensive Plan Amendments; and the Community Character Element of the Comprehensive Plan. All three of these items were heard before both the Planning Commission and the City Council over the last several months. The docket for all the items was approved back in May.

1
2 Kid City Comprehensive Plan Amendment – This is a privately-initiated
3 amendment submitted by the owner of Kid City, Julie Anderson, to change the
4 designation of the parcel located at 6009 – 168th Street from Low Density Single
5 Family to Local Commercial on the Future Land Use Map and a rezone proposed
6 to change the Zoning Map from Residential 8400 square feet (RS-8) to
7 Neighborhood Commercial (B-3). This parcel currently has a nonconforming
8 daycare center including a single-family residence. It has been nonconforming for
9 a number of years, and the City is not looking to discontinue the operation of the
10 daycare in any way. It can continue to operate as such, but the nonconformity of
11 the use can't be increased in any way. The property was part of a City rezone
12 ordinance in 2001 to achieve consistency with the 2020 Comprehensive Plan at
13 the time.

14
15 Planning Manager Hall stated that he and Director Krauss met with Ms.
16 Anderson earlier this year and also spoke with internal staff and the City Attorney
17 to explore ways they could potentially work something out that would benefit Ms.
18 Anderson and allow this change to occur. However, under further discussion the
19 City Attorney recommended that this not be approved because it would set a
20 precedent as a spot zone. Under her advisement it is recommended that this
21 amendment not be approved due to the spot zoning reason and the fact that the
22 City would be reversing the consistency change that was approved back in 2001.

23
24 Parks Amendments – The Parks amendments are included in the packet and
25 were reviewed in depth at previous meetings. Most of these relate to updates to
26 the Healthy Communities Plan and updates to the Level of Service in the Parks
27 Element.

28
29 Chair Braithwaite opened the public testimony part of the public hearing at 7:11
30 p.m.

31
32 Public Comments:

33
34 Julie Anderson, 5722 Hillpointe Circle, Lynnwood, WA 98037 distributed packets
35 of information to the Planning Commission members and a copy of a petition to
36 Chair Braithwaite. She stated that the packets contain a copy of the records
37 search that she did for the rezone for 2001 when her property was rezoned.
38 Regarding the concern about setting a precedent she stated that would be
39 impossible because she is the only one that was zoned from Commercial to
40 Residential in 2001. She was included in a spot zone. Her attorney's opinion is
41 different than staff's perspective. The Council's intent was to place conditions on
42 the development of that parcel. The packets also contained copies of zoning
43 regulations. She discussed how these regulations support her business and her
44 request for reclassification. She referred to the many people in the audience who
45 had come to support her and her business.

1 Brandon Warnock, 7106 181st Place SW, Lynnwood, WA, commented that Julie's
2 daycare is a second home for many kids and provides a wonderful service. He
3 thinks it is a shame that her business ability is limited based on the rezoning
4 classification. He stated it appears it needs to be classified the way she is asking.

5
6 Erika Dunggess, 5606 – 168th Street SW, Lynnwood, WA, stated that she has two
7 children that go to Kid City. She commented that a great thing about Kid City is
8 their close relationship with the Early Childhood Education program across the
9 street at Meadowdale High School. This would be lost if something were to
10 happen to the building, and it could not be rebuilt. Kid City also supports a lot of
11 the small businesses in the area. She stated that if something were to happen to
12 Kid City she would have to move out of Lynnwood because she works
13 downtown, and there are no other daycares that stay open until 6:30 p.m. She
14 commented that the idea that Kid City is a residential lot is ridiculous. No family
15 would want to live there.

16
17 Gina Chang, 15021 – 57th Place W, Edmonds, WA 98026, stated she has one
18 child at Kid City and is pregnant with her second. Her sister also had her children
19 there when they were young. She commented that Kid City is a staple in the
20 community. It is a prime location for a daycare. They help out with transportation
21 to the elementary school for before and after school care. It would be really sad if
22 they had to close. She spoke in support of keeping Kid City as a commercial
23 business.

24
25 Richard Steingore, 5330 – 156th Street SW, Edmonds, WA, stated that his two
26 children have attended Kid City for about six years. They go there because it is
27 the best facility around, but also because of the great location near the residential
28 area and near the school they attend. He works as a commercial appraiser and
29 does a lot of work regarding the highest and best use analysis of properties. He
30 stated that Julie Anderson's property is currently being used for a business and a
31 residence. It is clear and realistic that the property's primary, most profitable use
32 is as a daycare facility. The use and business has been there for over 30 years,
33 and the commercial building probably has the majority of the value out of the
34 property. It also fits in well with the nature and character of the immediately
35 surrounding elementary schools, middle school, and high school because they
36 provide a service to the high school. It also provides a level of schooling as they
37 have a preschool with an organized curriculum. He stated that commercial
38 daycares are not easily or frequently converted to other uses due to their unique
39 configurations. He thinks it would make good sense to rezone this property to
40 commercial, especially when other isolated commercial properties in residential
41 areas in the immediate area have been zoned commercial by the City such as
42 the Meadowdale Clinic condos which are in the B-2 Limited Business zone. The
43 Village Market on 176th is also in a residential zone and zoned B-3,
44 Neighborhood Commercial. This market serves a very convenient retail purpose
45 in that community. Similarly, Kid City provides a service to the community. He
46 spoke in support of rezoning the property to commercial.

1
2 Rachel Bartlett, 14017 – 9th Place W, Lynnwood, WA 98087, spoke on behalf of
3 Kid City staff and the Kid City “family”. She commented that the location is prime
4 for a lot of the families that live in the area. It is right between two elementary
5 schools, both within a half mile of the daycare. Kid City staff takes two vanloads
6 full of kids to the elementary schools every morning. They also take care of them
7 after school and help them with their homework. There are a lot of families that
8 depend on this daycare for helping their families.

9
10 Donnie Chang, 15021 – 57th Place W, Edmonds, WA 98026, spoke in support of
11 Julie and Kid City. He stated that she and the daycare are a tremendous part of
12 their lives and need to stay.

13
14 Christina Pendergraff, 2830 North Road, stated that her daughter has been
15 attending Kid City for about six months, and it has been a huge help to her as a
16 first-time mother. She noted that Julie’s business has been there for 31 years,
17 and previous to that it was a 7-11. This business was never designed to be a
18 residence. She urged the City to change the zoning back to what it’s always been
19 and what it was designed for. She commented it is clearly not a place you would
20 want to build a house. She feels it was discrimination in the first place for her to
21 be singled out and zoned residential.

22
23 Derek Jennings, Lynnwood, WA, stated he used to live on 172nd Street SW about
24 ten years ago which was when his son started going to Kid City. Their seven-
25 year old has been going there since she was one. He stated that the precedent
26 the City should be concerned about is whether they should go back and fix what
27 appears to be a mistake or will they not?

28
29 Ted Hikel, 3820 – 191st Place SW, Lynnwood, stated he was on the Council
30 when this was done. It was a question of what the future uses could be for that
31 property. He recalls that when it was used as a 7-11 store it created somewhat of
32 a problem with the administration of the high school across the street. That is not
33 a problem that is there now. He stated that they need to look at the current use
34 and the community support for the continuation of that use. Also, they need to
35 look at is the idea of spot zoning. In his opinion spot zones were made for other
36 properties on 176th in particular.

37
38 Seeing no further speakers, the public testimony portion of the public hearing
39 was closed at 7:40 p.m.

40
41 Planning Commission Deliberations:

42
43 Commissioner Larsen commented it was nice to see such a crowd here in
44 support of Kid City. He commented that he drives by Kid City all the time, and it
45 stands out as being well kept, clean, and successful. He stated his heart goes
46 out to them, but the Planning Commission also has adopted policies and laws

1 they have to follow. In this case it's not easy. He asked Planning Manager Hall
2 what would happen if the Planning Commission decided to vote in favor of the
3 rezone. Planning Manager Hall stated that the Planning Commission can make a
4 recommendation to City Council, but ultimately it is the Council's decision. This
5 item will go to a public hearing at the City Council on November 28.
6

7 Commissioner Larsen stated it is not uncommon for residential property owners
8 on arterials to want to rezone to commercial when there is commercial nearby.
9 On the other hand, it is grandfathered in even though it is zoned residential. To
10 allow a commercial zone to go there puts a flag up that the City is allowing
11 residential to go to commercial zoning. He suggested approaching the precedent
12 problem with carefully crafted wording by the City Attorney. Planning Manager
13 Hall replied if Council decides to approve the rezone there wouldn't be a need for
14 any language. He stated that the City sympathizes with the situation and has no
15 argument about the value of the service Kid City provides. The issue is the fact
16 that the Growth Management Act has laws the City must abide by, and the City
17 Attorney recommended not to approve this after reviewing it thoroughly.
18

19 Chair Braithwaite referred to the precedent issue and noted that any other site
20 citing a precedent would need to also have been originally a commercial property
21 that was rezoned a residential property and wanted to go back to a commercial
22 property. Planning Manager Hall agreed.
23

24 Commissioner Ambalada asked about an ordinance allowing home occupations.
25 Planning Manager Hall explained that Kid City is much different than a home
26 occupation due to its size.
27

28 Commissioner Tysland stated that as a business owner he empathizes with this
29 situation completely. He also sees the ramifications of what the City Attorney is
30 talking about. He agrees with Commissioner Larsen that if there is any way it
31 could be allowed it would be good. He also didn't think there would be many
32 other commercial properties that were zoned residential and then wanted to go
33 back to commercial. He commented that this is an unfortunate situation.
34

35 Commissioner Wojack commented on the great community support for this
36 daycare. He noted he also could see both sides of this issue. He asked if a
37 Conditional Use Permit could be issued for this daycare. Planning Manager Hall
38 replied it could not. The code says that a daycare in a residential zone has to be
39 associated with a religious facility or a school.
40

41 Commissioner Ambalada suggested the Julie approach the Meadowdale
42 Community Club. Maybe there is a church that could help. She stated that this is
43 important because it involves children and the future of Lynnwood.
44

45 Commissioner Larsen asked if this was the only commercial property that was
46 rezoned in 2001. Planning Manager Hall affirmed that it was. Commissioner

1 Larsen spoke in support of Chair Braithwaite's idea and agreed that there is a
2 precedent, but it is only in this very narrow regard. He appreciates that they are
3 keeping this conversation going.

4
5 Commissioner Wojack said he agrees on the City Attorney with most of this, but
6 suggested forwarding this on to City Council with no recommendation because
7 they have the final decision. They are the ones that can make a policy decision
8 with the City Attorney.

9
10 Chair Braithwaite asked what would happen if they zone it commercial and then
11 the daycare goes out of business. He asked if a convenience store would need to
12 get a Conditional Use Permit for the sale of alcohol and things like that. Planning
13 Manager Hall stated if it was rezoned to a commercial property then whatever
14 would be permitted in that zone would be allowed. Chair Braithwaite asked if they
15 received any feedback from any residents as a result of the mailed notices.
16 Planning Manager Hall said they didn't hear anything directly from the mailers;
17 the majority of their communication has been with Julie.

18
19 *Motion made by Commissioner Larsen, seconded by Commissioner Ambalada,*
20 *to approve the rezone of Kid City, LLC consistent with working out concerns of*
21 *the City Attorney and staff. Motion passed (4-1) with Commissioner Wojack*
22 *voting against the motion.*

23
24 *Motion made by Commissioner Wojack, seconded by Commissioner Ambalada,*
25 *to approve the Parks, Recreation and Open Space Element Comprehensive Plan*
26 *Amendment and Community Character Element Comprehensive Plan*
27 *Amendment.*

28
29 Commissioner Ambalada commented that Deputy Director Olson did a great job
30 on this, and it will greatly enhance the community.

31
32 Chair Braithwaite stated he would be voting no because he found the structure of
33 the document to have a little too much social commentary and not as much
34 visioning of the future as he would have liked to see.

35
36 *Motion passed (3-2) with Chair Braithwaite and Commissioner Wojack voting*
37 *against the motion.*

38 39 **2. Chapter 21.46 and 21.48 Zoning and Mapping Amendments**

40
41 The public hearing was opened at 8:04 p.m.

42
43 Staff Presentation:

44
45 Senior Planner Gloria Rivera reviewed these items. She explained that in the
46 course of daily business staff found that many of the uses and text listed in

1 Chapter 21.46 were outdated. Staff is recommending that the five zones be
2 whittled down to three zones: General Commercial (CG), Planned Commercial
3 Development (PCD), and Neighborhood Commercial (NC). Staff is also
4 recommending the elimination of Chapter 5.92 in total which is called Living
5 Quarters for Homeless Mothers. Staff is also recommending a number of code
6 amendments which include deletion of items such as dance hall licenses and
7 dance halls. In addition, Chapter 21.48 also had a lot of outdated language, and
8 staff is recommending changes to that section. She reviewed the changes to the
9 zones and tables as contained in the Planning Commission packet. She also
10 reviewed proposed Comprehensive Plan Amendments to the Zoning/Land Use
11 Table in the Implementation Chapter of the Comprehensive Plan and Map
12 Amendments to the Future Land Use Map and the Zoning Map.

13
14 The public testimony portion of the public hearing was opened at 8:19 p.m.

15
16 Public Comments:

17
18 Bonnie Sharp, 4226 Stoneridge Way, Lynnwood, WA 98037, stated she lives
19 across the street from the Open Door Baptist Church. She expressed concern
20 about the proposed change from Community Commercial to Multifamily. Ms.
21 Sharp expressed concern about impacts to traffic on 44th Avenue West. She also
22 expressed concern about the type of people that will move in there.

23
24 Senior Planner Rivera commented that any street improvements would be
25 addressed during the development of parcels. She noted that this is not the Open
26 Door Baptist Church; it is the parcel to the north of the church. She commented
27 that the most units they would be able to get onto the site would be five or six.

28
29 Michael Moynihan, 5214 – 201st Place SW, Lynnwood, asked about the definition
30 of General Commercial zoning. Senior Planner Rivera replied it would be the
31 same as what was there now. Mr. Moynihan expressed concern about changes
32 he is seeing to the community and impacts on residential development.

33
34 Michelle Kometz, 5513 – 189th Street SW, Lynnwood, referred to the vacant lot
35 on 188th and Highway 99 and stated that is her backyard. She said recently the
36 property owner of the lot next to her said that they were talking about rezoning
37 that to a flood zone and not having any building on that at all and possibly even
38 buying the two houses on 55th Avenue West. She asked for more information
39 about this.

40
41 Ted Hikel, 3820 – 191st Place SW, Lynnwood, expressed concern about
42 upzoning in the proposed plans. He stated the reason there were so many
43 different zones is that there were areas of the city that were single-family
44 residential and at that time the highest priority of the City Council and the
45 Planning Commission was to protect single-family residential. Once it's gone it's
46 gone. He commented on why it's not a good idea to spot zone. He relayed the

1 history of how this played out with multifamily units near the mall near 188th and
2 36th. He spoke against putting everything into PCD, CG, or NC because it will
3 impact single-family properties in the city that should not be impacted. He
4 expressed concern that the amount of single-family zoning in Lynnwood is
5 already below the 50% mark. The taxation the City gets off of multi-family
6 property does not pay for the services they require. He cautioned the Planning
7 Commission to look at every one of these changes that are being proposed and
8 make sure they are comfortable with the fact that it will not hurt single-family
9 residential.

10
11 Seeing no further comments, the public testimony portion of the public hearing
12 was closed at 8:31 p.m.

13
14 Planning Commission Comments and Deliberation:

15
16 Commissioner Larsen thanked Gloria Rivera for her presentation and those who
17 spoke for their comments. He asked about allowable uses on 196th and 76th.
18 Senior Planner Rivera explained they would allow another large store like the
19 QFC that is there now. Commissioner Larsen asked about buffering
20 requirements and other protections the City has to protect single-family
21 residences from commercial. Senior Planner Rivera reviewed setback
22 requirements, landscaping requirements, and fencing requirements.

23
24 Commissioner Wojack referred to Mr. Hikel's testimony and commented on a
25 place on 196th on the other side of the freeway which is being rezoned from B-1
26 to General Commercial which borders single family. He expressed concern that
27 this zone allows radio or televisions stations. He also commented that some of
28 the other uses did not seem appropriate for this location. Senior Planner Rivera
29 commented that rather than General Commercial they could do Neighborhood
30 Commercial, but that would not allow the gas station or a drive-thru bank which
31 are currently located there.

32
33 Chair Braithwaite asked about restrictions on uses of Neighborhood Commercial
34 compared to the B-1, B-2, and B-3. Senior Planner Rivera explained that
35 Neighborhood Commercial would be things like smaller restaurants, offices, and
36 small retail with a size limitation of 7500 square feet. Chair Braithwaite asked if
37 consolidating the B-1, B-2, and B-3 zones change the amount of space that could
38 be built on those lots. Senior Planner Rivera replied it didn't really change the
39 type of activities, but it did change the size limitation. Chair Braithwaite then
40 expressed concern about the QFC center, noting that it is between General
41 Commercial and Neighborhood Commercial. If it ever stops being a grocery
42 store, the plot of land is large enough that you could do more than 7500 square
43 feet of retail space. Senior Planner Rivera explained that they could have
44 multiple 7500 square foot businesses.

1 Commissioner Larsen asked staff to explain again why they are doing this.
2 Senior Planner Rivera replied that they are gaining simplification for the use of
3 the code by both the staff and the public. They are also getting rid of a situation
4 where there was some overlap of zones. Commissioner Larsen asked about the
5 assertion that this is an increase in density and would have impacts on single
6 family. Senior Planner Rivera said she didn't think that was happening because
7 they're not intruding any further into single family areas. These areas are already
8 zoned commercial.

9
10 Commissioner Ambalada suggested that the commissioners familiarize
11 themselves with all the zones so as to be alert as to the predicaments that the
12 City will face if they lose most single family. She recommended scheduling a
13 special presentation by Senior Planner Rivera to learn more about the different
14 zones.

15
16 Commissioner Larsen referred to the sections such as landscaping and parking
17 that allow for discretion by the Director. He asked if this was appropriate. He also
18 asked if it might expose the City to repercussions and if the Director should keep
19 an annual log of discretionary actions to report to Council.

20
21 *Motion made by Chair Braithwaite, seconded by Commissioner Larsen, to*
22 *recommend approval of Chapter 21.46 and 21.48 Code Amendments and Map*
23 *Amendments.*

24
25 Chair Braithwaite stated that he supports the simplification of the code because it
26 makes it easier to administer. He agrees with Commissioner Larsen's concern
27 about the discretion and having a log of discretions. He also shares concerns
28 about development, but he doesn't think that a lot of new abilities to develop the
29 land are being created here.

30
31 *Motion passed unanimously (5-0).*

32 33 **3. Detached Accessory Dwelling Units (DADUs)**

34
35 The public hearing was opened at 8:49 p.m.

36
37 Staff Presentation:

38
39 Senior Planner Chanda Emery discussed the Detached Accessory Dwelling
40 Units (DADUs) Draft Ordinance. She explained she had made changes to the
41 Ordinance to include commissioners' comments regarding the length of time. The
42 existing legislation states six months; staff has increased it to one year. She has
43 also clarified that the zoning that this is applicable for is RS-8, not including RS-4
44 and RS-7. The intent for staff doing this revision is to further protect the single-
45 family neighborhoods of the city by looking only at the largest parcels in the city
46 for DADUs.

1
2 Chair Braithwaite referred to line 136 on the Ordinance and noted it references
3 RS-7 and RS-8, but line 144 mentions only RS-8. He asked if this was an
4 oversight. Senior Planner Emery explained that line 136 is talking about ADUs.
5 Line 144 is talking about Detached ADUs. She offered to rewrite that section to
6 further clarify it.
7

8 The public testimony portion of the public hearing was opened at 8:53 p.m.
9

10 Public Comments:

11
12 Michael Brown, 14605 NE 81st Street, Redmond, read a letter behalf of his father,
13 Steve Brown, 19319 76th Avenue W, Lynnwood. The letter spoke in support of
14 the DADU ordinance change as it will allow residents to take care of their family
15 members as they age and millennials to save money so they can afford to
16 purchase a house. He believes there would be strong resident support of this. It
17 is consistent with long-range planning and visioning by the City. A DADU would
18 help seniors afford to live modestly without being on Medicaid. Many other
19 neighboring jurisdictions have made this change, and he encouraged Lynnwood
20 to do the same. Michael Brown added that a lot of people could benefit from this
21 situation by allowing people to be able to help family members or friends. He
22 spoke in support of this item.
23

24 Sid Roberts, 3617 176th Street SW, Lynnwood, WA 98037, thanked the Planning
25 Commission for their service. He spoke in support of DADUs because they would
26 help the residents of Lynnwood, especially older people. He commented that the
27 people requesting this are citizens who have paid their dues, paid their taxes,
28 and now have housing needs. It is important to do something about that and be a
29 city that cares for its people. He disagreed with Ted Hikel and stated that
30 multifamily is not a scourge on our city. We mustn't treat multifamily and the
31 people who work hard to live there like they are second class citizens.
32 Regardless, this is not multifamily. DADUs help Lynnwood residents age in place
33 and help Lynnwood senior to obtain a sense of social equity. They are essentially
34 affordable housing. Additionally, this is for people that want to do something on
35 their own property. As long as they can meet the setbacks, he thinks it is their
36 right. He spoke in support of this in any zoning where setbacks can be met. He
37 stressed that he does not believe this is an intrusion into single-family
38 neighborhoods. He commented that a lot of ADUs are not as accessible as
39 DADUs might be, such as when they are in basements. DADUs are consistent
40 with the city vision which states that Lynnwood is to be a city that is responsive to
41 the wants and needs of our citizens. Citizens are the ones requesting this. Unlike
42 nursing homes, DADUs will have no appreciable burden on Lynnwood services.
43 He commented that Lynnwood is an urban center and needs to accommodate its
44 senior residents and allow them to gently expand and live on the property that
45 they already own. This is an inclusion of family values and would allow citizens to
46 live close to their loved ones.

1
2 Eric Clem, 19203 Dale Way, Lynnwood, WA 98036, commented that he loves his
3 neighborhood and his house. He wants to help his mother live independently. He
4 wants to build a “granny flat” consistent with the architecture of the property. He
5 has 7800 square feet, but he can definitely put in something about 400 square
6 feet within the setback limits that are prescribed. He requested the proposed
7 ordinance be amended to allow lower square footage on the lot as long as
8 setbacks are allowed. He clarified that this is not a profit-making venture because
9 of the cost involved of putting a house in the backyard.

10
11 Lisa Utter, 18828 46th Avenue W, Lynnwood, stated that when she originally
12 brought the ADU code up in 2009 they looked at both detached and attached
13 units. She thinks there is merit in both proposals, and she was disappointed
14 when the detached was taken out of it at the City Council level. She thinks this is
15 about flexibility for families and increase access to affordable housing. She asked
16 the Planning Commission to support the proposed ordinance.

17
18 Anna Michelle, 802 66th Avenue, Seattle, WA 98115, spoke on behalf of her
19 mother at 18903 68th Avenue W, Lynnwood, 98036. She stated her mother is a
20 librarian and school teacher and is facing retirement, and they are looking at
21 options for her to age in place that are affordable. She thinks the current DADU
22 proposal is an excellent proposal. She thinks it meets the dual need of providing
23 affordable housing and allowing seniors to age in place with their families in a
24 way that’s independent and keeps older people out of retirement homes. This
25 would allow a lot of flexibility for families in Lynnwood.

26
27 Ted Hikel, 3820 – 191st Place SW, Lynnwood, commented that for the first four
28 years he lived in Lynnwood he lived in an apartment and has nothing against
29 people who live in apartments. He commented that the amount of money that the
30 city gets off of apartments versus single family has been in the ratio of 1:2 or 1:3
31 and this tells how much service the city can give to its citizens. This proposal is
32 the same one that came to the Council in 2009 when the Council said that ADUs
33 would only be allowed and not DADUs. He acknowledged that there are people
34 who want to have these for their own individual uses, but they have to look at the
35 long-term impact on the community of having two houses on a single-family lot.
36 He expressed concern that it is effect turning every single-family lot into the
37 possibility of having two houses on it. He expressed concern about what would
38 happen with the elderly person in the DADU dies, the relatives move, and you
39 end up with two renters on the same property. He discussed a property on 36th
40 where something similar happened. If this happens on such a well-known and
41 previously red-tagged building, he asked what would happen with these. He
42 asked about his rights when he bought his house and the city assured him what
43 his neighborhood was going to be like. If this is allowed he recommended that
44 anyone that wants to do it should be required to have the agreement of the
45 people who live on all sides of them that it is okay to put in a second house on
46 that lot.

1
2 Seeing no further comments, the public testimony portion of the public hearing
3 was closed at 9:19 p.m.

4
5 Commissioner Questions and Deliberation:

6
7 Commissioner Larsen said he was at a meeting last at Snohomish County where
8 they commented that there are seven people a minute moving into this region
9 right now. He stated that they have a growth issue, and they need to
10 accommodate growth. He thinks the precepts of the Growth Management Plan
11 have done a good job so far of putting a line around growth. He commented that
12 they have done a great job of putting the density in a row where transit exists, but
13 when the Comprehensive Plan was adopted and the City accepted 18,000 more
14 people they frontloaded the budget to pay for it. This is not going to be cheap. He
15 stated that they need to prepare for the future and discuss how they are going to
16 deal with this massive growth. He expressed concern about incremental changes
17 such as flag lots which are substandard lots, and now they're talking about
18 DADUs. He can see the positives, but he needs to look at the whole spectrum of
19 what can happen. He expressed concern about the storage issue with a DADU in
20 a backyard. He commented that there are a large number of people that are
21 affected by this that he feels like he needs to hear from. He commented that the
22 City Council is really busy right now with the budget, and suggested waiting until
23 after the budget is done. He suggested inviting a large group of people to talk
24 about this. He recommended postponing a decision and inviting input from
25 groups that are out there such as boards, commissions, the Visioning Task
26 Force, builders, investors, a sustainability commission, etc.

27
28 Chair Braithwaite asked if a public hearing has been noticed. Planning Manager
29 Hall stated it has not been noticed, but it is on deck for a public hearing in
30 December.

31
32 Commissioner Ambalada asked if the City has evaluated what happened with the
33 ADUs in 2009. Planning Manager Hall stated that there are a very small number
34 of ADUs proposed in the city. He only remembers four or five in the last four
35 years. The only difference is the fact that the proposal tonight would allow
36 detached units. Commissioner Ambalada asked how ADUs affected the
37 neighborhoods. Planning Manager Hall was not sure. Commissioner Ambalada
38 commented that the City is very shorthanded on Code Enforcement Officers, and
39 those are necessary to make sure what is approved is followed.

40
41 Senior Planner Emery stated she checked with Code Enforcement in her
42 research, and they reported that they had not heard anything come up with the
43 five ADUs that have been approved by the City in the past ten years. In her
44 research she looked at other jurisdictions and hasn't seen any negative effects.
45 She concurs with what the public has said about this. This is a positive thing and
46 will help two segments of the population – seniors and young people that cannot

1 afford to live here. She thinks this is about serving the population and also about
2 social equity. She feels this is a very good, strong ordinance that will do the job
3 for the city. Commissioner Ambalada said she was surprised that ADUs are not
4 used more. She empathized with the housing needs.

5
6 Senior Planner Rivera clarified that the only change they are making is the
7 detached part. The code is extremely restrictive, and it is hard for people to
8 actually do it.

9
10 Commissioner Larsen agreed that it is important to get away from “us” and
11 “them” type thinking. He commented on his experience over the last thirty years
12 he has lived in his house watching people grow up. He expressed concern about
13 the lack of care young people have with taking care of their yards and houses.
14 He is worried about this trend, and worried how they might take care of DADUs in
15 their backyard. He commented on the large amount of housing planned along
16 Highway 99 and said he hoped they could make a portion of those units
17 affordable for people who need them. He feels that having another unit in the
18 backyard is just duplex zoning. He reiterated that he would like to bring this in
19 front of a larger group of people.

20
21 Chair Braithwaite concurred with many of Commissioner Larsen’s thoughts.
22 Regarding affordable housing, he doesn’t think that DADUs would be more
23 affordable than commercial real estate which is easier to redevelop and can
24 benefit from economies of scale.

25
26 Commissioner Tysland concurred with Commissioner Larsen about getting a
27 collaboration of people to look at this. From a homeowner’s perspective he had
28 concerns about certain neighbors having their aimless children living in their
29 backyard in close proximity to neighbors. However, as his parents and in-laws
30 are aging he and his family are thinking about how to incorporate them into their
31 home, not into the backyard.

32
33 Chair Braithwaite discussed a garage that was converted to a one-bedroom
34 apartment for his grandparents when he was young and how great it was to have
35 them live close by. In his experience it worked out well. He said he drove by the
36 house a few years ago, and the back unit has been developed into a rental, and
37 the front house is also a rental. He commented that once you create it, there is a
38 pressure to do the next thing and the next thing as Commissioner Larsen had
39 suggested.

40
41 *Motion made by Commissioner Larsen, seconded by Commissioner Ambalada,*
42 *to delay a decision pending a response from staff and the Planning*
43 *Director/Mayor with how they would respond to the idea that we bring a*
44 *community forum together to discuss this before taking action. He said he*
45 *wanted to know how much this would cost in terms of money, public safety calls,*
46 *etc.*

1
2 Commissioner Larsen spoke in favor of the motion. He stated it is too early to
3 make a decision. He suggested discussing the information they would like to
4 receive as a group and coordinate that with staff.

5
6 *Motion passed (4-1).*
7

8 The public hearing was closed at 9:49 p.m.
9

10 **Council Liaison Report**

11
12 Councilmember Hurst had the following comments:

- 13 • He expressed appreciation to the Planning Commission for their work.
- 14 • The Council is in the middle of budget work so they have been very busy.

15 16 **Director's Report**

17
18 Planning Manager Hall had the following comments:

- 19 • Director Krauss is still on vacation with his wife in Europe, but will be back
20 on Monday to present the Community Development budget to City
21 Council.
- 22 • He apologized for giving the incorrect location for the last meeting. As a
23 result, he stated they would bring Title 1, 5, and 21 amendments back to
24 the next meeting to discuss very briefly.
- 25 • The meeting in December will be the annual holiday party. Chair
26 Braithwaite asked if they needed to do some sort of compliance training
27 before the end of the year as they did in the past. Planning Manager Hall
28 indicated he would check on that.
- 29 • Senior Planner Rivera talked about mentioned there is a program called
30 "Love of Lynnwood" that will be happening on November 3 at two different
31 times.

32 33 **Commissioners' Comments**

34
35 Commissioner Ambalada commended Planning Manager Hall for doing such a
36 good job as the acting director. Planning Manager Hall commended his staff for
37 working extremely hard with limited resources. Chair Braithwaite concurred.
38

39 Commissioner Wojack concurred. He commented on the issue of people handing
40 them a large amount of information at a public hearing. He stated it wasn't fair for
41 the public or the Commission to expect the Commission to look at that at the
42 meeting or to verify the information. He commented that many years ago they
43 took care of this in part by only allowing one sheet of paper to be submitted at a
44 public hearing or else it needed to be submitted prior to the meeting and included
45 in the packet. Planning Manager Hall commented that staff did not know a packet
46 of information would be distributed tonight.

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Chair Braithwaite agreed that was a good point.

Adjournment

The meeting was adjourned at 9:56 p.m.

Chad Braithwaite, Chair

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**Topic: Code Amendments to
Titles 1, 5 and 21 LMC**

Agenda Item: E.1

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

Staff Report

Staff Contact: Gloria Rivera, Senior Planner; Chanda Emery, AICP, Senior Planner

Summary

The purpose of this agenda item is introduce and discuss draft legislation making several amendments to Titles 1, 5 and Title 21 LMC. The Municipal Code sections covered in this ordinance include the following:

1. 1.35.180 (Application, Processing and Review, Deletions and amendments)
2. 5.18.080 (Mobile Food Vendors, Amended)
3. 21.02.049 (Definitions, New)
4. 21.02.150 (Definition, Repealed))
5. 21.02.441 (Definition, Repealed)
6. 21.02.530 (Definition, Repealed)
7. 21.02.556 (Definition, Amended)
8. 21.02.659 (Definition, New)
9. 21.02.662 (Definition, New)
10. 21.02.663 (Definition, Amended)
11. 21.10.300 (Fence, Hedge and Vision Obstruction Regulations, Amended)
12. 21.18.800 (Off-Site Parking, Deletion)
13. 21.30.320 (Planned Unit Development, Amended)
14. 21.30.900 (Planned Unit Development, Deletion)
15. 21.42.900 (Residential Single Family Zones, Amended)
16. 21.43.110 (Residential Multiple Family Zones, Amended)
17. 21.48.210 (Planned Regional Shopping Center Zone, Amended)

This item was previously presented at the October 12, 2016 meeting but due to lack of quorum it is being reintroduced again.

Action

The Community Development Department requests that the Planning Commission provide direction and feedback on whether the proposed legislation should be brought to a public hearing.

Background

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

The sections regarding definitions of senior and assisted living housing and parking in the Planned Regional Center Zone have also been discussed during the B-1 and B-2 Code amendments, also before the Planning Commission. The Ordinance that is adopted first will implement the changes and will be then be deleted from the subsequent Ordinance at the time of approval.

1.35.180 – Amendment

- (LMC 1.35.180(B)) - Prior to adoption of the Design Review Guidelines in 2001, building design was approved through a Special Use Permit (SUP). Under the current process, if a developer desires to make minor design improvements to an existing structure, they are required to go through a Conditional Use Permit (CUP) process to repeal the former CUP. The proposed amendment will allow minor administrative amendments for a project previously approved under the SUP without the need to hold the public hearing.
- (LMC 1.35.180(B)) - Some selections are made to the specified minor adjustments since it is often difficult to determine the requirement of the original SUP approvals.
- (LMC 1.35.180(D)) - The trigger for improvements is set at 1,000 sq. ft. which is what the standard trigger is in all zones for Design approval so that consistency can be obtained for the reviews.
- (LMC 1.35.180(H)) – Deletions. Individuals are not required to pay a fee to get a copy of the decision. Within the old SUP files of the City it can be difficult to determine individuals who took part in the former decision.

5.18.080 – License Fee

Proposed amendment would differentiate the license fee for non-resident vendors.

21.02.049 – Assisted Living Facility

New definition that specifies facilities providing special care including “assisted living residences”, “continuing care community” and “Alzheimers/dementia care facility”. Definition was previously applied to “nursing or convalescent home”.

21.02.100 – Building Line

Definition section is repealed and relocated in the Code.

21.02.441 – Housing for the Elderly and Physically Disabled

Definition is repealed with other terms substituted.

21.02.530 – Nursing or convalescent home

Definition is repealed and included under “Assisted Care Facility”.

21.02.556 – Personal service shop

Amended to increase size from 2,500 sq. ft. to 5,000 sq. ft. which reflects more the size of small fitness facilities.

21.02.659 – Senior housing

Amendment to apply current language regarding this type of independent housing. Includes “congregate care” and “independent living housing”. Changes age of applicability to 55 years.

21.02.662 – Setback

Simplifies the language to define applicability of the different “setbacks” as opposed to “yards”.

21.02.663– Setback, building line

Relocates to the definition with its exclusions to section of the code where the term might be more easily located.

21.10.300 – Barb Wire Fences

Amends code to specify when the use of barb wire fences is allowed

21.18.800 – Capacity Requirements

Amends required office parking by eliminating requirement of 10 parking stalls. While some small office sites may have sufficient parking based on the square footage requirements, it may be difficult to have sufficient area for 10 stalls.

21.30.320 – Final development plans

Amendment to two years makes timeline consistent with remainder of City processes.

21.30.900 – Use controls in planned unit developments.

Minimum number of 400 units seems quite excessive and may be difficult to obtain the size of parcels in the City. The 400 units could have major impacts on any development between the nodes on Highway 99 which allows mixed-use development between the nodes with a PUD process.

21.42.900(C) – Other regulations

Amendment to add language regarding setbacks and screening of Residential Heat Pumps and A/C Units

21.43.100(H) – Limitations on uses

Changes dated references for types of housing.

21.48.210(B) – Additional development standards

Amendments address residential parking in the PRSC zone and clarifies the requirements for landscaping in the parking areas.

Previous Planning Commission / City Council Action

None.

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed amendments.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a Notice of Intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce for distribution to state agencies.

Adm. Recommendation

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

Attachments

1. Draft Ordinance
2. Summary of Draft Ordinance

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CITY OF LYNNWOOD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON AMENDING TITLE 5 AND TITLE 21 OF THE LYNNWOOD MUNICIPAL CODE (LMC), REPEALING SECTIONS LMC 21.02.150, LMC 21.02.441 AND LMC 21.02.530, AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 10. 300, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900, LMC 21.43.110 and LMC 21.48.210; AND ADDING SECTIONS LMC 21.02.049, LMC 21.02.659, LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

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

WHEREAS, upon review of the provisions within this Ordinance, the City of Lynnwood SEPA Responsible Official on the day of , 2016, determined that the provisions of the Ordinance are procedural in nature and are categorically exempt from SEPA threshold determination and EIS requirements pursuant to chapter 197-11 WAC; and

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

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

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

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

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

51
52 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
53 ORDAIN AS FOLLOWS:

54
55 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City
56 Council finds that the amendments contained herein are: a) consistent with the
57 comprehensive plan; and b) substantially related to the public health, safety, or welfare;
58 and c) not contrary to the best interest of the citizens and property owners of the city of
59 Lynnwood.

60
61 **Section 2. Amendment (License fee).** LMC 5.18.080 (License Fee) is hereby
62 amended to read as follows:

63
64 **5.18.080 License Fee.**
65 Business license fees for mobile food vendors shall be in the amount
66 stated in Chapter 3.104 LMC. The license fee for mobile food vendors shall be in
67 the amount specified for nonresident businesses per Chapter 3.104 LMC. The
68 city business license will serve as evidence that the applicant has applied for and
69 obtained a Washington State Department of Revenue business registration
70 number.

71
72 **Section 3. Amendment – New (Definitions).** LMC 21.02.049 (Assisted Living
73 Facility) is hereby added to read as follows:

74
75 **21.02.049 Assisted Living Facility**
76 “Assisted living facility” (also known as “assisted living residences”,
77 “continuing care community” and “Alzheimer’s/dementia care facility”) means an
78 establishment which provides full time convalescent or chronic care or both for
79 three or more individuals who are not related by blood or marriage to the
80 operator or who, by reason of chronic illness or infirmity, are unable to care for
81 themselves. Minor medical care may be provided at the facility. A hospital or
82 sanitarium shall not be construed to be included in this definition. This definition
83 was formerly called “nursing or convalescent home”.

84
85 **Section 4. Repeal (Definitions).** LMC 21.02.150 (Building line) is repealed

86
87 **21.02.150 — Building line.**
88 ~~“Building line” means a line, established by law, measured from the right-~~
89 ~~of-way, or from an abutting property line, beyond which a building or structure~~
90 ~~shall not extend except for cornices, eaves, gutters, chimneys or bay or garden~~
91 ~~windows, ornamental features or similar structures projecting not more than two~~
92 ~~feet; and open patios or decks not exceeding three feet in height above the~~

93 average grade. When two different standards apply to front, rear or side
94 setbacks, the more restrictive setback shall be applied.
95

96 **Section 5. Repeal (Definitions).** LMC 21.02.441 (Housing for the elderly and
97 physically disabled) is repealed
98

99 **21.02. 441 — Housing for the Elderly and Physically Disabled.**

100 ~~“Housing for the elderly and physically disabled” means multiple dwelling~~
101 ~~housing which is designed for the particular needs of those elderly and physically~~
102 ~~disabled who may have functional limitations due to advanced age or physical~~
103 ~~impairment but are otherwise in good health. Residents of such housing can~~
104 ~~maintain an independent or semi-independent lifestyle and do not require more~~
105 ~~intensive care as provided in a nursing or convalescent home. For the purposes~~
106 ~~of this definition, elderly shall typically mean 62 years of age or older. Design~~
107 ~~features may include but are not limited to wide doors and hallways and low~~
108 ~~counters to accommodate wheel chairs, support bars, specialized bathroom and~~
109 ~~kitchen fixtures, and common dining, recreation, or lounge areas. That term~~
110 ~~“housing for the elderly and physically disabled” shall include congregate care.”~~
111 ~~The definition shall not be construed to include facilities to house persons under~~
112 ~~the jurisdiction of the superior court or the Board of Prison Terms and Paroles.~~
113

114 **Section 6. Repeal (Definitions).** LMC 21.02.530 (Nursing or convalescent home) is
115 repealed.
116

117 **21.02. 530 — Nursing or convalescent home.**

118 ~~“Nursing of convalescent home” means an establishment which provides~~
119 ~~full time convalescent or chronic care or both for three or more individuals who~~
120 ~~are not related by blood or marriage to the operator or who, by reason of chronic~~
121 ~~illness or infirmity, are unable to care for themselves. No care for acutely ill, or~~
122 ~~surgical or obstetrical service shall be provided in such homes. A hospital or~~
123 ~~sanitarium shall not be construed to be included in this definition. This definition~~
124 ~~was formerly called “nursing or convalescent home”.~~
125

126 **Section 7. Amendment (Definitions).** LMC 21.02.566 (Personal Service Shop) is
127 hereby amended to read as follows:
128

129 **21.02.566 Personal service shop.**

130 “Personal service shop” means small business establishments, typically
131 less than 2,500 square feet in building area, which provide cosmetic and
132 nonmedical health services for persons (e.g. barber or beauty shops, weight or
133 fitness clinics, sun tan salons, etc.). This term does not include gymnasiums or
134 health clubs over 2,500 5,000 square feet in building area.
135

136 **Section 8. Amendment – New (Definitions).** LMC 21.02.659 (Senior housing) is
137 hereby added to read as follows:
138

139 **21.02. 659 Senior housing.**

140 "Senior housing" means multiple dwelling housing which is designed for
141 the particular needs of those elderly and physically disabled who may have
142 functional limitations due to advanced age or physical impairment but are
143 otherwise in good health. Residents of such housing can maintain an
144 independent or semi-independent lifestyle and do not require more intensive care
145 as provided in a nursing or convalescent home. For the purposes of this
146 definition, elderly shall typically mean 55-years of age or older. Design features
147 may include but are not limited to wide doors and hallways and low counters to
148 accommodate wheel chairs, support bars, specialized bathroom and kitchen
149 fixtures, and common dining, recreation, or lounge areas. The term "senior
150 housing" shall include "congregate care", and independent living community."
151 The definition shall not be construed to include facilities to house persons under
152 the jurisdiction of the superior court or the Board of Prison Terms and Paroles.
153

154 **Section 9. Amendment – New (Definitions).** LMC 21.02.662 (Setback) is hereby
155 added to the Lynnwood Municipal Code to read as follows:
156

157 **21.02.662 Setback.**

158 "Setback" means the distance between the building and any lot line.

159 "Front Yard Setback" is a space extending the full width of the lot between the
160 front property line and the yard setback which is measured perpendicular from
161 the front lot line to the minimum yard setback line.

162 "Rear Yard Setback" is a space extending across the full width of the lot between
163 the rear lot line and the yard setback line which is measured perpendicular from
164 the rear lot line to the minimum yard setback line.

165 "Side Yard Setback" is a space extending from the front yard to the rear yard
166 measured perpendicular from the side lot line to the minimum yard setback line.
167

168
169 **Section 10. Amendment – (Definitions).** LMC 21.02.663 (Setback, building line) is
170 hereby amended to read as follows:
171

172 **21.02.663 Setback, building line.**

173 "Building Setback. See "Building line. "Building line" means that line that
174 is the required minimum distance from any lot line within which a building or
175 structure must be erected or placed except for cornices, eaves, gutters,
176 chimneys or one-story bay windows projecting not more than two feet; and open
177 patios or decks not exceeding three feet in height above the average grade.
178

179
180
181 **Section 11. Amendment – (Barbed Wire Fences).** LMC 21.10.300 (Barbed wire
182 fences) is hereby amended to read as follows:
183

184 **21.10.300 Barb Wire Fences.**

185 ~~No Fences incorporating barbed wire are prohibited in all zones unless~~
 186 ~~permitted except that barbed wire may be used~~ utilized on top of a six-foot high
 187 solid or chain link fence surrounding a public utility, and industrial plant site or a
 188 specific land use subject to approval by the Community Development Director.
 189 ~~whole property, or barbed wire may be used when the fence is not a property line~~
 190 ~~fence.~~

191
 192 **Section 12. Amendment (Capacity Requirements).** LMC 21.18.800 (Capacity
 193 Requirements) is hereby amended to read as follows:
 194

195 **21.18.800 Capacity Requirements.**
 196

Table 21.18.04	
Office Uses	Number of Parking Stalls Required
Dental or Medical Clinics (including chiropractors, psychologists/psychiatrists, outpatient surgery centers, optometrists, offices for fitting and repair of hearing aids and prosthetics, massage therapists, nonresident drug and alcohol counseling and treatment centers and similar)	One per 200 SF GFA
Office Buildings/Offices Not Providing On-site Services:	
Less than 25,000 SF GFA	3.8 per 1,000 SF GFA; minimum 10 stalls
25,000 – 1000,000 SF GFA	3.5 per 1,000 SF GFA
100,000 – 500,000 SF GFA	3.0 per 1,000 SF GFA
Over 500.000 SF GFA	2.8 per 1,000 SF GFA
Offices Providing On-Site Service	One per 200 SF GFA; minimum 10 stalls

197
 198
 199 **Section 13. Amendment.** LMC 1.35.180 (Amendment of an approved project or
 200 permit) is hereby amended to read as follows:
 201

202 **1.35.180 Amendment of an approved project or permit.**
 203

204 A. General. Except as otherwise provided in this section, an amendment of
 205 an approved project or permit shall be treated as a new application for decision
 206 using Process I.
 207

208 B. Administrative Amendment of Conditional Use Permits, Shoreline
 209 Conditional Use Permits, Special Use Permits, and Planned Unit Developments.
 210 The following additions and activities to an approved project or decision are
 211 exempt from conditional use permits, special use permits, and planned unit
 212 development review, unless otherwise required by city code or by the terms of a
 213 concomitant agreement.
 214

- 215 1. Repair without a change in the dimensions or configuration of
216 the structure or sign; or
217 2. The addition of minor structural elements such as fences,
218 carports and mechanical equipment; or
219 3. Restriping of parking or circulation areas, minor adjustments to
220 parking area layout; provided , the total number of stalls does
221 not fall below or exceed the requirements of the zoning code; or
222 4. Minor adjustments in building height not to exceed 10 percent in
223 height, or minor adjustments in building location not to exceed
224 10 feet in any direction; provided, the structures do not vary
225 from zoning code requirements to any greater degree than as
226 approved with the original application; or
227 5. Reductions in freestanding sign size and height, and minor
228 increases in sign height not to exceed 10 percent in height or
229 minor adjustments in sign location not to exceed five feet in any
230 direction; provided the sign(s) does not vary from zoning code
231 requirements to any greater extent than as approved with the
232 original application; or
233 6. Reductions in wall sign size, and minor adjustments in sign
234 location on any one side of a building as long as the minor
235 adjustments maintain the design intent or purpose of the original
236 approval; or
237 7. Changes in color, design or in plant material, as long as
238 changes maintain the design intent or purpose of the original
239 approval.
240

241 C. Additional Criteria. In addition to those additions and activities listed in
242 subsection(B) of this section, the community development director may
243 determine that a proposed amendment to an approved project or permit is not
244 suitable for administrative review if:

- 245
246 1. The proposal may result In any unmitigated significant adverse
247 impact; and
248 2. The proposal is inconsistent with PUD/conditional use permit
249 requirements or applicable design criteria; and
250 3. The proposal adds more than 300 square feet of new floor area
251 per buildings, to approved building(s).
252

253 D. Appeal. The decision of the community development director pursuant to
254 this section is appealable to the hearing examiner using Process II.
255

256 E. Decision Criteria for Administrative Amendment. The community
257 development director shall act on a proposed amendment to an approved project
258 or permit, including signs and sign programs, if:
259

- 260 1. The amendment maintains the design intent or purpose of the
261 original approval, and does not modify zoning code
262 requirements to any greater extent than any modification with
263 the original application; and
264 2. The amendment maintains the quality of design or
265 product established by the original approval; and
266 3. The amendment does not add more than the following:
267 a. ~~An addition of 20 percent gross square footage or m~~ More
268 than 5 1,000 square feet for an existing or approved
269 building, whichever is less; or
270 b. An addition of 5 1,000 square feet maximum for new
271 structures; or
272 c. An increase of 20 percent of total existing sign for
273 freestanding signs, and/or 20% increase of total existing
274 sign area for wall signs not to exceed maximum allowed by
275 code; and
276 4. An addition of up to 1,5000 square feet per existing or approved
277 building is automatically treated as an administrative
278 amendment unless the addition is exempt under subsection (b)
279 of this section; and
280 5. The amendment does not cause a significant adverse
281 environmental impact beyond the site; and
282 6. The amendment is not precluded by the terms of the city code
283 or by state law from being decided administratively; and
284 7. The applicant has carried the burden of proof and produced
285 evidence sufficient to support the conclusion that the application
286 merits approval or approval with modifications; and
287 8. The applicant has demonstrated that the proposal complies with
288 the applicable criteria of the city code.

289
290 F. Conditions. The community development director may include conditions
291 as part of the approval or approval with modifications to ensure conformance with
292 the provisions of this section.
293

294 G. Written Proposed Decision. The community development director shall
295 issue a written proposed decision on the administrative amendment which
296 contains the following:
297

- 298 1. A description of the project or decision and the proposed
299 administrative amendment; and
300 2. An analysis of the proposed administrative amendment using
301 the applicable decision criteria and a determination that the
302 administrative amendment is within the scope of an
303 administrative amendment pursuant to subsection (E) of this
304 section; and

- 305 3. A statement that the administrative amendment is proposed to
306 be approved, ,approved with modifications or denied subject to
307 the provisions of this section; and
308 4. A statement of facts upon which the proposed decision,
309 including any conditions, was based and conclusions derived
310 from those facts.

311
312 H. Notice of Decision.

- 313
314 1. Content. The community development director shall issue
315 notice of the decision containing the following:
316 a. The name of the applicant, and if applicable, the project
317 name; and
318 b. The street address of the subject property and a
319 description in nonlegal terms sufficient to identify its
320 location; and
321 c. A vicinity map indicating the location of the subject
322 property; and
323 d. The file number of the previously approved project or
324 decision; and
325 e. A brief description of the previously approved project or
326 decision and of the proposed administrative amendment;
327 and
328 f. A statement that the decision of the director is appealable
329 to the hearing examiner.
330 2. Distribution. The community development director shall issue
331 the notice of the decision to:
332 a. The applicant; and
333 b. Each owner of real property abutting or directly across a
334 public right-of-way from all contiguous property owner by
335 the applicant determined by projecting the property line of
336 that property;
337 c. Each person who has requested such notice in writing for
338 the calendar year and who has paid the fee established by the
339 community development director; and
340 d. Each person who can be identified from existing city
341 records as having participated in the original decision...

342
343
344 **Section 14. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC
345 21.30.320 (Final development plans) is hereby amended to read as follows

346
347 **21.30.320 Final development plans**

- 348 A. Where preliminary PUD approval is granted, the petitioner shall within ~~one~~
349 two years of the date of the preliminary approval submit a final development
350 plan for approval pursuant to Process 1. In the event no final development

351 plan is submitted within ~~one~~ two years of the date of preliminary approval, the
352 application shall expire.

353 B. The approved plan will constitute a limitation on use and design of the site.
354 Permitted land uses and design shall be substantively similar to those
355 identified in the written decision.
356

357 **Section 15. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC
358 21.30.900 (Use controls in planned unit developments) is hereby amended to read as
359 follows

360
361 **21.30.900 Use controls in planned unit developments**

362 ~~A. Retail Uses. In residential planned unit developments accessory incidental~~
363 ~~limited retail uses will only be permitted in those developments which are~~
364 ~~planned for 400 families or more. Building permits or occupancy permits for~~
365 ~~such uses shall not be used until one-half of the total project is complete.~~

366 **BA.** Open Space Land – Amount. In all residential planned unit developments,
367 which include attached dwelling units or multiple dwellings, the design of the
368 planned unit development is expected to demonstrate creativity in dealing
369 with the topography, soil, existing vegetation, streams, and water bodies and
370 other physical condition, to maximize common open space, or combinations
371 of common open space and small private outdoor areas related to each
372 residential unit. The open space of a planned unit development is expected
373 to contribute to the continuity of any existing or planned open spaces within
374 the vicinity, whether public or private.

375 ~~**GB.**~~ Open Space Land – Guarantee. Adequate guarantee must be provided to
376 insure permanent retention of open space land area resulting from the
377 application of these regulations, either by private reservation for the use of
378 residents within the development or by dedication to the public or a
379 combination thereof.

380 **Section 16. Amendment – Limitations on uses.** LMC 21.43.110 (Limitations on
381 uses) is hereby amended to read as follows

382
383 **21.43.110 Limitations on uses.**

384 A. Agricultural and Horticultural Activities. Agricultural and horticultural activities,
385 including plant nurseries, must be devoted to the raising of plants. No
386 structures, uses, or accessory uses or structures are permitted, except those
387 specifically authorized by the conditional use permit. Agricultural and
388 horticultural activities, including plant nurseries, which are one acre or more in
389 size require a conditional use permit.

390 B. Public Utility Facilities. Public utility facilities necessary for the transmission,
391 distribution or collection of electric, telephone, wireless communication,
392 telegraph, cable television, natural gas, water, and sewer utility services,

393 excluding sewer treatment plants, offices, repair shops, warehouses, and
394 storage yard, shall be subject to the following additional standards:

- 395 1. Such facilities shall not be injurious to the neighborhood or otherwise
396 detrimental to the public welfare;
 - 397 2. The applicant shall demonstrate the need of the proposed public utility
398 facility to be located in a residential area, the procedures involved in the
399 site selection and an evaluation of alternative sites and existing facilities
400 on which the proposed facility could be located or co-located;
 - 401 3. A site development plan shall be submitted showing the location, size,
402 screening and design of all buildings and structures, including fences, the
403 location, size, and nature of outdoor equipment, and the location, number,
404 and species of all proposed landscaping;
 - 405 4. The facility shall be designed to be aesthetically and architecturally
406 compatible with the natural and built environment. This includes, but it not
407 necessarily limited to, building design and the use of exterior materials
408 harmonious with the character of the surrounding neighborhood and the
409 use of landscaping and privacy screening to buffer the facilities and
410 activities on the site from surrounding properties. Any equipment or
411 facilities not enclosed within a building (e.g. towers, transformers, tanks,
412 etc.) shall be designed and located on the site to minimize adverse
413 impacts on surrounding properties;
 - 414 5. All wireless communications facilities shall comply with national, state or
415 local standards, whichever is more restrictive, in effect at the time of
416 application, for non-ionizing electromagnetic radiation;
 - 417 6. The applicant shall demonstrate a justification for the proposed height of
418 the structures and an evaluation of alternative designs which might result
419 in lower heights. If additional height over that allowed in the zone is
420 justified it may be approved by the city;
 - 421 7. The applicant shall include an analysis of the feasibility of future
422 consolidated use of the proposed facility with other public utility facilities.
- 423 C. Provided , that this subsection shall not apply to utility facilities located on a
424 property which are accessory to the residential use of that property or to the
425 transmission, distribution or collection lines and equipment necessary to
426 provide a direct utility connection to the property or neighboring properties, or
427 to those utility facilities located on public rights-of-way, nor shall it apply to
428 utility facilities installed within new subdivisions, which shall be evaluated prior
429 to plat approval and do not require a separate conditional use permit.
- 430 D. Park and Pool Lots. Park and pool lots may be permitted by conditional use
431 permit. In considering an application for such a use, the hearing examiner
432 shall review all impacts of the proposed use upon the surrounding
433 neighborhood including, but not limited to, location, traffic, displacement of
434 required stalls, noise, hours of operation, ingress and egress, signage,
435 parking lot illumination and aesthetic impacts. In single-family zones, park
436 and pool lots should not be the principal use of a property, but an accessory
437 use to a permitted or conditional use in that zone.

438

- 439 The applicant for such a permit shall submit a site plan indicating:
440 1. The property boundaries;
441 2. The location of all building on the site with the floor areas of each use
442 indicated;
443 3. The location and dimensions of all existing or proposed parking stalls,
444 including the designation of those to be available to park and pool users;
445 4. The location and type of all existing or proposed landscaping.
446

447 The applicant shall also submit drawings of proposed signage and an
448 analysis of the parking demand of any existing uses on the site and the
449 anticipated demand by park and pool users.
450

451 E. Child Day-Care Centers.

- 452 1. Considerations. Child day-care centers may be permitted by issuance of
453 a conditional use permit. Before approval or denial of an application, the
454 hearing examiner and city council will consider the need for the activity in
455 the area and all possible impacts in the area including but not limited to
456 the following:

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

465 e. .

- 466 2. Requirements. In any case, the approval of the conditional use permits
467 shall include the following requirements:

- 468 a. The applicant shall be state-licensed before the operation of the
469 facility;
470 b. Adequate off-street parking must be provided;
471 c. All outdoor play areas must be fenced with a minimum of 800 square
472 feet plus an additional 80 square feet per additional child over 10;
473 d. Site and sound screening standards for the outdoor play area must be
474 met;
475 e. The applicant must provide off-street access to the facility from the
476 public right-of-way for the purpose of pickup and delivery of children;
477 f. The applicant must indicate the ages of the children to be cared for;
478 g. See LMC 21.16.290(A) for sign regulations.

- 479 F. Manufactured Home Developments. Permitted under the provisions for
480 planned unit developments. See Chapters 21.30 and 21.70 LMC.

- 481 G. Two-Family Dwelling and Multiple Dwelling Units. In RML, RMM and RMH
482 zones. If there is more than one dwelling unit on the premises, there shall be
483 not less than two units in a building, except as to the odd-numbered unit
484 which may stand alone.

485 ~~H. Convalescent and Nursing Homes, Housing for the Elderly and Physically~~
486 ~~Disabled and Any Other Legal Purpose but Not Including Hospitals or Mental~~
487 ~~Hospitals~~ Senior Housing, Independent Living Communities, Assisted Living
488 Facilities, Congregate Care and Continuing Care Communities.

- 489 1. Number of Residents. The number of persons who will be residing in the
490 property shall be generally consistent with the potential density of persons
491 as would be expected from multiple dwelling units, except that the
492 maximum number of units for housing for the elderly and handicapped
493 shall be no greater than one and one-half times the number of units which
494 would be allowed for multiple-family housing within the respective zone;
495 ~~provided, that the maximum population does not exceed 1.2 persons per~~
496 ~~dwelling unit. If the density exceeds 1.2 per dwelling unit, then the~~
497 ~~number of dwelling units shall be reduced correspondingly.~~
- 498 2. Impact on Surrounding Area. The allowing of the proposed use shall not
499 adversely affect the surrounding area ~~so to present use or character of the~~
500 ~~future development.~~
- 501 3. Staff Evaluation and Recommendation. Before any conditional use permit
502 for the uses designated in this subsection is considered by the hearing
503 examiner, a joint recommendation concerning development of the land
504 and/or construction of the buildings shall be prepared by the fire and
505 community development departments, specifying the conditions to be
506 applied if approved. If it is concluded that the application for a conditional
507 use permit should be approved, each requirement in the joint
508 recommendation shall be considered and any which are found necessary
509 for protection of the health, safety, and general welfare of the public shall
510 be made part of the requirements of the conditional use permit. In any
511 case, the approval of the conditional use permit shall include the following
512 requirements:
- 513 a. The proposal's proximity to stores and services, safety of pedestrian
514 access in the vicinity, access to public transit, and design measures to
515 minimize incompatibility between the proposal and surrounding
516 businesses.
- 517 b. Compliance with state, federal, and local regulations pertaining to such
518 use, a description of the accommodations and the number of persons
519 accommodated or care for, and any structural requirements deemed
520 necessary for such intended use;
- 521 c. The amount of space around and between buildings shall be subject to
522 approval of the fire chief as being adequate for reasonable circulation
523 of emergency vehicles or rescue operations and for prevention of
524 conflagration;
- 525 d. The proposed use will not adversely affect the surrounding area as to
526 present use or character of the future development;
- 527 e. Restriction to such intended use except by revision through a
528 subsequent conditional use permit.
- 529 4. Open Space. A minimum of 200 square feet of passive recreation and/or
530 open space shall be provided. Senior housing for the elderly and care

531 facilities have a need for recreational open space but is of a passive
532 nature. Therefore, passive recreation space and/or open space shall be
533 provided. Up to 50 percent of the requirement may be indoors; provided,
534 that the space is utilized exclusively for passive recreation or open space
535 (i.e. arts and crafts rooms, solariums, courtyards). All outdoor recreation
536 and/or open space areas shall be set aside exclusively for such use and
537 shall not include areas held in reserve for parking, as per LMC 21.18.800.
538 All open space and/or recreational areas shall be of a permanent nature
539 and they may be restricted to use by tenants only. The use of private and
540 semi-private patios and balconies in meeting these requirements is not
541 permitted.

542 I. Office Uses. The intended uses shall comply with the following minimum
543 standards:

- 544 1. No portion of the building in which the offices are permitted shall be
545 occupied as a resident.
- 546 2. The office use shall be generally professional in nature, which use shall
547 include but not be limited to medical and dental offices or clinics,
548 accountants, architects, attorneys at law, chiropractors, engineers, land
549 surveyors, and opticians; provided, accessory retail uses may be allowed
550 only if closely related to the principal uses of the building, such as
551 pharmacies in medical buildings, and must be specified in the conditional
552 use permit. When allowed, such retail uses shall be internally oriented,
553 with external advertising identical to the professional offices and
554 compliance with the conditional use permit;
- 555 3. See LMC 21..16.290(G) for sign regulations
- 556 4. The use shall be of a type unlikely to be open evenings or weekends and
557 unlikely to generate large volumes of traffic;
- 558 5. In considering the intended use, location of the building in proximity to
559 existing multiple-or single-family uses, a determination shall be made that
560 the proposed use would not be detrimental to such existing residential
561 uses.

562 J. Hospitals and Nursing Homes.

- 563 1. Setbacks. All buildings maintain a distance of not less than 35 feet from
564 any single-family residential zone;
- 565 2. Occupancy. The accommodations and number of persons cared for
566 conform to state and location regulations pertaining thereto;
- 567 3. Health Department Approval. The health department shall have approved
568 all provisions for drainage and sanitation.

569 K. Boarding Houses. For purposes of determining allowable density and
570 required parking, accommodations for each resident in a boarding house shall
571 be considered the equivalent of one-half dwelling unit.

572
573 **Section 17. New 21.42.900(C) (Other regulations).** LMC 21.42.900 (Other
574 regulations) is hereby amended to read as follows:
575
576

577 **21.42.900 Other Regulations**

578 A. Parking or storage of recreational vehicles shall be in conformance
579 with LMC 10.08.200

580 B. Maintenance or repair of vehicles on residential property shall
581 conform to the following standards:

582 1. Such maintenance and repair shall not be conducted on a
583 commercial basis.

584 2. Any repair, painting, or maintenance work done on such
585 vehicles shall not create an unsafe to unsightly condition or become a
586 nuisance to residents of abutting properties.

587 3. Any repair, painting or maintenance work done on such
588 vehicles shall only be done within the hours from 9:00 a.m. to 9:00 p.m.

589 4. Violations of the preceding standards shall result in notice
590 being given by the city to the offender to discontinue such work or
591 operation. Failure to immediately comply will subject the property owner
592 and/or occupant to the penalties as prescribed by this title.

593 C. Setbacks for Residential Heat Pumps and A/C Units. No
594 mechanical equipment is allowed within three (3) feet of the side yard property
595 line. If located within the minimum five (5) foot side yard setback, the applicant
596 shall install barriers as a means of noise reduction. Common barrier materials
597 include earth, steel, plywood and concrete. General guidelines for barrier walls
598 include the following

599 1. Place barriers as close to the source as possible without
600 restricting airflow to/from the unit. Consult manufacturer for minimum
601 distance requirements. Care must be taken not to restrict the airflow of
602 the unit as this would lead to a decrease in unit efficiency.

603 2. Barriers must be solid (i.e. 3/4" inch plywood or greater)
604 extend all the way to the ground or deck and be free of holes, gaps and
605 cracks. Noise will be transmitted through the wall if this condition is not
606 met.

607 3. Weatherproof absorptive treatment can be provided with the
608 barrier to reduce the noise reflected from the house wall.

609 4. A partial barrier can be provided for the unit in order to
610 reduce the noise that would otherwise be radiated towards neighboring
611 properties.

612 5. In situations where house walls will reflect sound back at the
613 barrier, the effectiveness of the barrier shielding will be significantly
614 reduced. To remedy this, wall surfaces facing the unit could be covered
615 with sound absorbing material per Chapter 10.12 LMC.

616
617 **Section 18.** Section 21.48.210, entitled "Additional development standards" of the
618 Lynnwood Municipal Code, is amended to read as follows:

619
620 **21.48.210 Additional development standards**

621 A. Site Screening Standards for Outdoor Displays and Outdoor Storage
622 Areas. Any outdoor displays or outdoor storage permitted in this zone,

623 and which are not affected by the standards of LMC 21.48.220, shall be
624 enclosed within a site-screening fence of sufficient height to effectively
625 screen the outdoor display or storage from view, and not less than six feet
626 high in any case, set back five feet from the property line. The outer five
627 feet shall be landscaped with evergreen conifer trees with a minimum
628 height of six feet at planting spaced a maximum of 15 feet on center and
629 low evergreen plantings which will mature to a total groundcover within
630 five years; provided, however, that where these requirements do not apply
631 because the principal use of a property involves the display of
632 merchandise for view from the streets, the display area shall be improved
633 as a parking lot (except for paving where the nature of the merchandise
634 makes paving impractical) with a 10-foot planting strip along the entire
635 street frontage, as per subsection (B)(2)(b) of this section. Display areas
636 shall be segregated from the required customer parking so that there is
637 always sufficient customer parking to meet the minimum parking
638 requirements of this code.

639 B. Parking.

- 640 1. Required Number of Stalls. See Chapter 21.18.LMC, with the
641 exception of residential parking below.
642 2. Residential parking shall have a minimum of one and a maximum
643 of one and one half spaces per dwelling units or as determined by the
644 Community Development Director based upon data submitted by the
645 applicant.

646 2.3. Landscaping in Parking Areas.

- 647 a. Purpose. The purpose of these landscaping provisions is:
648 i. To break up the visual blight created by large
649 expanses of barren asphalt which make up a typical
650 parking lot;
651 ii. To encourage the preservation of mature evergreens
652 and other large trees which are presently located on
653 most undeveloped sites in this city;
654 iii. To insure the preservation of land values in
655 commercial zones by creating and inuring an
656 environmental quality which complements the
657 commercial objectives of the respective land.
658 b. Planting at Street Frontages. Development sites with
659 parking areas located between the sides of the building ~~opposite~~
660 ~~the street~~ and interior property lines shall provide a 10-foot wide
661 planting area along the entire street frontage, except for driveways,
662 walkways and other pedestrian spaces. Development sites within
663 single-aisle, double-loaded parking areas located between
664 buildings and the street right-of-way, ~~parking areas between~~
665 ~~buildings or parking areas between buildings and the closest side~~
666 ~~property line~~ shall provide a 15-foot wide planting area along the
667 entire street frontage with the same above exceptions.
668 Development sites with multi-aisle parking areas located between

669 buildings and the street right-of-way shall provide a 20-foot wide
670 planting area along the entire street frontage with the same above
671 exceptions. Exception: At a regional shopping center developed or
672 redeveloped after April 13, 2002, with a gross leaseable floor area
673 of 1,140,000 square feet or greater, the minimum width of the street
674 frontage landscape area shall be 10-feet, with the same above
675 exceptions.

676 Plantings shall consist of ornamental landscaping of low
677 plantings and high plantings. The minimum height of trees shall be
678 eight feet for evergreen trees and 10 feet for all other species.
679 Trees shall be spaced a maximum of 25 feet on center with
680 branches eliminated to a height of six feet where necessary to
681 prevent sight obstruction. The required trees in this planting area
682 may be located within the adjacent street right-of-way as long as
683 they comply with Lynnwood Citywide Design Guidelines, as
684 adopted by reference in LMC 21.25.145(B)(3), and are approved by
685 the public works department. Low evergreen plantings, or a
686 mixture of low evergreen and deciduous plantings with a maximum
687 height of 30 inches, shall be provided so as to achieve 50 percent
688 groundcover within two years. This landscaping plan (providing for
689 coordination of the landscaping throughout the PRC zone) shall be
690 submitted and approved prior to the issuing of the first building
691 permit.

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

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

704 d. Coverage. Five percent of the parking areas located ~~only~~
705 ~~between on~~ the sides ~~and rear~~ of buildings ~~opposite the street~~ and
706 interior property lines; 10 percent of parking areas between
707 buildings ~~and, between buildings and the closest side property line,~~
708 ~~or~~ single-aisle, double-loading parking areas located between
709 buildings and the street; and 15 percent of multi-aisle parking areas
710 located between buildings and street shall be in landscaping
711 (exclusive of landscaping on the street frontages and required
712 landscape buffers) except that at a regional shopping center
713 developed or redeveloped after April 13, 2002 with a gross
714 leaseable area of 1,140,000 square feet or greater, all open parking

- 715 areas shall have a minimum landscape coverage of eight percent;
716 provided that:
- 717 i. No landscaping areas shall be less than 25 feet square
718 feet on area or less than three feet in width;
 - 719 ii. No parking stall shall be located more than 45 feet from a
720 landscaped area; and
 - 721 iii. All landscaping must be located between parking stalls,
722 at the end of parking columns, or between parking stalls
723 and the property lines.
- 724 e. Landscaping Adjacent to Parking Stalls... Where
725 landscaping areas which fulfill city standards are adjoined by
726 angular or perpendicular parking stalls, landscaping in the form of
727 groundcover materials or plants may be installed in that portion of
728 any parking stall which will be ahead of the wheels and adjacent to
729 the landscaped area; provided, that curbing or wheel stops are
730 installed in a position which will protect the plants from damage.
731 Such landscaping shall not be construed to be part of the
732 percentage of landscaped area required by this chapter nor a
733 reduction of the parking stall.
- 734 f. Additional Landscaping along Specified Streets. Along
735 streets where it may be desirable and feasible to obtain a higher
736 degree of continuity in landscaping from property to property than is
737 provided for here, the city council, upon recommendation by the
738 planning commission, may designate specific street frontage
739 landscaping plans for those streets. See Chapter 21.06 LMC.
- 740 C. Fences and Hedges. Fences and hedge regulations are as provided in
741 Chapter 21.10 LMC.
742
743

744 **Section 19. Severability.** If any section, sentence, clause or phrase of this ordinance
745 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such
746 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
747 section, sentence, clause or phrase of this ordinance.
748

749 **Section 20. Effective Date.** This ordinance or a summary thereof consisting of the title
750 shall be published in the official newspaper of the City, and shall take effect and be in
751 full force five (5) days after publication.
752

753 **Section 21. Summary Publication.** Publication of this ordinance shall be by summary
754 publication consisting of the ordinance title

755
756 PASSED BY THE CITY COUNCIL, the _____ day of _____, 2016

757
758 APPROVED:

759
760
761 _____
762 Nicola Smith, Mayor

763
764 ATTEST/AUTHENTICATED:

765
766
767
768 _____
769 Sonja Springer
770 Finance Director

771
772 APPROVED AS TO FORM:

773
774
775 _____
776 Rosemary Larson
777 City Attorney

778
779
780 FILED WITH ADMINISTRATIVE SERVICES: _____
781 PASSED BY THE CITY COUNCIL: _____
782 PUBLISHED: _____
783 EFFECTIVE DATE: _____
784 ORDINANCE NUMBER: _____

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

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON AMENDING TITLE 5 AND TITLE 21 OF THE LYNNWOOD MUNICIPAL CODE (LMC), REPEALING SECTIONS LMC 21.02.150, LMC 21.02.441 AND LMC 21.02.530, AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 21.10.300, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900, LMC 21.43.110 and LMC 21.48.210; AND ADDING SECTIONS LMC 21.02.049, LMC 21.02.659, LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this _____ day of _____, 2016.

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LMC Code Amendments
Summary of Draft Ordinance

Ord. Section	Description	Process	Reason for Amendment	LMC Reference
1	<u>Findings</u>			
2	<u>Mobile Food Vendors Licensing</u>	Amendment	Establishes fee for nonresident vendors	5.18.080
3	<u>Assisted Living Facility Definition Addition</u>	Addition	New definitions for facilities providing assistance to the elderly and disabled	21.02.049
4	<u>Building Line Definition</u>	Repeal	Definition is being removed and relocated to "Setback, Building Line". Where located it has been confusing to determine the exemptions from the setbacks	21.02.150
5	<u>Housing for the Elderly and Physically Disabled Definition</u>	Repeal	New definition that is more inclusive is being proposed in 21.02.659	21.02.441
6	<u>Nursing or Convalescent Home Definition</u>	Repeal	New definition that is more inclusive is being proposed in new 21.02.049	21.02.530
7	<u>Personal Service Shop Definition</u>	Amendment	Increases the size of a personal service shop from 2,500 to 5,000 sq. f.t	21.02.566
8	<u>Senior Housing Definition</u>	Addition	New definition for facilities for seniors that is more inclusive	21.02.659
9	<u>Setback</u>	Addition	New definition to define setback	21.02.662
10	<u>Setback, Building line</u>	Addition	New definition to show exclusions from within setback	21.02.663
11	<u>Barbed Wire Fences</u>	Amendment	Prohibition of barbed wire fences with exceptions	21.10.300
12	<u>Parking Capacity Requirements</u>	Amendment	Eliminate the requirement for at least 10 parking stalls for an office	21.18.800
13	<u>Amendment of an Approved Project or Permit</u>	Amendment	Add Special Use Amendment to list of application, amend to set 1,000 sq. ft. as threshold and other minor amendments	1.35.180
14	<u>Planned Unit Development Timeline</u>	Amendment	Change time for submittal of final from 1 to 2 years	1.35.180

15	<u>Planned Unit Development Amendment</u>	Amendment	Delete portion referring to requirement of 400 units in a mixed use project	21.30.900
16	<u>Multi-Family Zone – Limitation on Uses</u>	Amendment	Change of terminology for Assisted Living and Continuing Care Communities	21.43.110
17	<u>Setback for HVAC/heat pumps in SF zones</u>	Amendment	Setbacks and buffering for HVAC/heat pumps	21.42.900
18	<u>PSRC Zone Parking</u>	Amendment	Residential Parking in PSRC zone	21.48.210
19	Severability cause.			
20	Effective date.			
21	Summary Publication			

Additional, similar corrections may be forthcoming.