



LYNNWOOD
WASHINGTON

ORDINANCE NO. 2947

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 21.02, 21.18, 21.46, AND 21.50 RELATING TO SELF-SERVICE STORAGE FACILITIES, 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, pursuant to Lynnwood Municipal Code Title 21 Zoning, “business services” and “professional services” are permitted uses in a number of zoning districts, including (but not limited to) the Restricted Business (B-4), Neighborhood Business (B-3); Limited Business (B-2), Community Business (B-1), Planned Commercial Development (PCD), Planned Regional Shopping Center (PRC), City Center (CC), General Commercial (CG), Commercial-Residential (CR) and College District Mixed Use (CDM) zones; and

WHEREAS, since at least 1994 when the City updated the zoning code to comply with the Growth Management Act, the City has considered that the terms “mini-warehouse,” “mini-storage,” and “self-service storage” did not fall within the meaning of the terms “business services” or “business and professional services,” and therefore these uses were not permitted uses in the above listed zones simply because “business services” or “business and professional services” are a permitted use in those zones; and

WHEREAS, in March 2010 the Snohomish County Superior Court in the case of *General Stor-Age, LLC vs. City of Lynnwood Department of Community Development* (No. 09-2-04337-8) held that the City erred in interpreting the law, and that as a matter of law under the Lynnwood Municipal Code, self-storage and mini-storage are outright permitted uses as “Business and Professional Services not otherwise mentioned” in the B-1 (Community Business) zone; and

WHEREAS, to preserve the integrity of the City’s zoning code and the related Comprehensive Plan land use designations, the City should regulate the location, construction and operation of “mini-warehouses,” “mini-storage,” and “self-service storage” facilities; and

WHEREAS, while historically self-service storage facilities have been characterized by a utilitarian industrial appearance, some modern self-service storage facilities in urban areas have been designed to resemble office and even apartment buildings, with utilitarian features such as loading docks and unit entrance doors not visible from outside the facility, which has made them much more visually compatible with high quality commercial developments; and

WHEREAS, on February 26, 2011, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on April 24, 2012, the City of Lynnwood SEPA Responsible Official issued a second Determination of Non-Significance (DNS) on the proposal as revised, and

WHEREAS, on April 19, 2012, the proposed code amendments were sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on May 24, 2012, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to self-service storage facilities and the definition of business and professional services, 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; and

WHEREAS, on June 25, 2012, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to self-service storage facilities and the definition of business and professional services, and all persons wishing to be heard were heard; and

WHEREAS, the City Council has determined that it is in the best interest of the City and necessary for the protection of public health, safety, property and peace including the land use policies embodied in the City of Lynnwood Comprehensive Plan and zoning code to amend the Lynnwood Municipal Code in order to address these issues and to clarify the meaning and intent of the affected sections of the Lynnwood Municipal Code; now, therefore

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

Section 1. Findings. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Codification. Section 21.02.192, Business Park and Technical Park, is hereby re-codified as Section 21.02.191.

Section 3. Amendment. Lynnwood Municipal Code Chapter 21.02 (Definitions) is hereby amended as follows:

21.02.192 Business Services.

“Business services” means businesses primarily engaged in providing administrative support services to other businesses on a fee or contract basis, such as (but not limited to) advertising, mailing, copying, printing and binding; personnel and employment services; accounting, bookkeeping, tax preparation; management and professional consulting; office equipment rental, maintenance and repairs; travel agencies and similar services. Business services under this definition are characterized by their ability to locate in (and typically being found in), common office or retail space, and by not requiring physical facilities or configurations not ordinarily found in office or retail buildings, such as extensive storage or warehouse space, classrooms, laboratories, manufacturing space, special material handling facilities, etc.

21.02.584 Professional Offices

“Professional offices” means office buildings, or office space within mixed-use buildings designed and intended as places for business services and professional services, but where no overnight care for patients is provided.

21.02.586 Professional Services.

“Professional services” means services provided by persons such as physicians, dentists, engineers, attorneys, architects, designers, surveyors, therapists, accountants, stockbrokers, loan, title, and escrow officers, insurance agents, and other persons utilizing specialized training and education, and providing such services in a professional office setting.

21.02.658 Self-Service Storage Facility.

“Self service storage facility” means a building, group of buildings or other facility having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to the units. For purposes of this Title, “self-service storage facility” shall be considered synonymous with self-storage warehouse, self-storage facility, mini-warehouse or mini-storage.

21.02.803 Warehouse.

“Warehouse” means a structure, room, or rooms for the storage of merchandise or commodities. The term “warehouse” does not refer to “self-service storage facilities.”

Section 4. Amendment. Lynnwood Municipal Code section 21.18.800 (“Capacity Requirements”) is hereby amended as follows:

21.18.800 Capacity Requirements.

Off-street parking shall be provided in accord with the following tables:

Table 21.18.10

Industrial Uses	Number of Parking Stalls Required
Apparel Manufacturing	One per 350 SF GFA.
Baking, Bottling and Canning Establishments	One per 600 SF GFA.
Engraving	One per 350 SF GFA.
Machinery Repair without Sales	One per 200 SF GFA, whichever is greater.
Manufacturing and Assembly Businesses, and Other Light Industrial including research and testing but not apparel, printing and related business	One per 600 SF GFA.
Printing or Publishing Business	One per 350 SF GFA.
Self-Service Storage Facilities	One per 60 storage units, or one per 3,000 SF GFA, whichever is greater, with an adequate number of stalls configured to facilitate loading/unloading of storage units.
Warehouses (not including self-service storage facilities)	One per employee or two per 3,000 SF GFA, whichever is greater.

Section 5. Amendment. Lynnwood Municipal Code Chapter 21.46 (Commercial Zones), Table 21.46.13, is hereby amended as follows:

21.46.100 Permitted structures and uses.

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

Table 21.46.13

Other Uses	B-4	B-3	B-2	PCD	B-1	CG
Adult Establishments	—	—	—	—	—	CA
Adult Retail Uses	—	—	—	—	—	CA
Charitable or Relief Supplies Collection or Storage	—	—	—	—	C	C
Customer Parking, outdoor	A	A	A	—	A	A
Radio or Television Stations, not including Wireless Communications Facility	—	—	P	P	P	P
Recycling Collection Centers ⁺	—	—	—	—	—	C
Self-Service Storage Facilities ⁺	—	—	—	C	P	P

Other Uses	B-4	B-3	B-2	PCD	B-1	CG
Temporary Special Events, per Chapter 5.30 LMC	–	–	P	P	P	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) ⁺	C	C	C	P	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) ⁺	P	P	P	P	P	P
Wireless Communications Facility, Attached	P	P	P	P	P	P

+See LMC 21.46.110 through 21.46.119.

Key:

P = Permitted as principal use.

A = Permitted as accessory use with a principal use.

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

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

– = Not permitted.

-X = Not permitted in controlled area.

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

Section 6. Amendment. Lynnwood Municipal Code section 21.46.119 is hereby amended to add a new subsection “D” entitled “Self-Service Storage Facilities in Commercial Zones” as follows:

21.46.119 Limitations on Uses – Other Uses

D. Self-Service Storage Facilities in Commercial Zones

Self-service storage facilities have characteristics in common with both commercial uses and industrial uses. This subsection provides regulations to appropriately site self-service storage facilities in certain commercial zones while maintaining the desired character and function of those zones. In general, self-service storage facilities generate low levels of vehicular and pedestrian activity and do not contribute to the vitality of a commercial area compared to other commercial uses. Historically self-service storage facilities have visually resembled industrial facilities, but some recently constructed facilities have featured designs compatible with higher quality commercial development. If designed appropriately as stand-alone multi-story structures that emulate the exterior architecture of residential or multifamily or as components located within larger multi-story office or residential structures, self-storage uses may be located without adversely impacting Comprehensive Plan goals, zoning district intent or the surrounding neighborhood. Thus

self-storage uses in commercial zones shall adhere to the additional development standards articulated in this chapter.

1. Use Regulations:

a. Where this chapter provides for self-service storage facilities upon property zoned B-1, CG or PCD, self-service storage facilities are permitted only within multi-story structures designed to emulate multifamily or office buildings.

b. Where this chapter provides for self-service storage facilities upon property zoned CC or ACC, self-service storage facilities are permitted as an accessory use, and may occupy no more than 20 percent of the properties building floor area. With the exception of the business office and loading/unloading facilities, self-service storage facilities shall not be permitted upon the ground or street level of the multi-story building.

c. Permitted Activities: The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for activities such as:

i. Residences, offices, workshops, studios, hobby or rehearsal areas;

ii. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity;

iii. Conducting retail sales of any kind including garage or estate sales or auctions or to conduct any other commercial activity;

iv. Storage of flammable, perishable or hazardous materials or the keeping of animals.

d. Accessory Uses: Accessory uses such as the rental of trucks, trailers or moving equipment (hand carts, jacks & lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are permitted only if they are otherwise permitted in the zone in which the facility is located, and shall meet all use and development standards of the commercial zone.

e. Hours of Operation.

i. Self-service storage facilities located in commercial zones shall not operate or allow tenant access between the hours of 10:00 PM and 7:00 AM if the site abuts a Class A EDNA, as defined in Chapter 10.12 LMC (Noise).

ii. The Director may permit extended hours of operation if the facility operator demonstrates that due to facility design or other factors the facility will not have significant noise impacts on the adjacent Class A EDNA property. The burden of proof is on the facility operator.

iii. Nothing in this section overrides or supersedes any requirement of Chapter 10.12 LMC and all restrictions of Chapter 10.12 LMC apply even during allowed hours of operation.

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

2. Development Standards

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

a. Storage Units:

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

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

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

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

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

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

3. Design Standards:

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

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

i. Decorative metal or wrought iron fences are preferred.

- ii. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks are prohibited.
 - iii. Fences or walls are not allowed between the main or front building on the site, and the street.
 - iv. Street-front landscape areas required by the Design Guidelines or elsewhere in this code shall not be fenced.
- b. Ground and Upper Floor Facades. Ground and upper-floor facades for self-service storage facility buildings in commercial zones shall meet the following requirements:
- i. The ground floor transparency requirements of the Commercial Districts Design Guidelines shall also apply to each floor above the ground floor of a self-service storage facility building that is visible from a street or from a residentially zoned area.
 - ii. The ground floor on rear or side facades facing residential areas do not have to meet LMC 21.46.119 D.3.(b)(i) if they are effectively visually screened from view from the street or nearby residential uses by a transition or landscape strip.
 - iii. The design guidelines for treating blank walls and for opaque walls in the design shall apply to the upper floors of self-service storage buildings.
 - iv. In order to promote visual compatibility with commercial and multifamily development allowed in commercial zones, self-service storage facilities buildings shall incorporate architectural and design features common to commercial and/or multifamily development. Examples of such architectural and design features include: massing; proportion; façade modulation; exterior building materials and detailing; varied roof-line; pedestrian scale; fenestration; repetition; etc.
- c. Street Entrance. The business office of Self-Service Storage Facilities in commercial zones shall have a pedestrian entrance facing the street.
- i. This entrance shall be considered the “main” or “principal” entrance to the building for purposes of the Design Guidelines or other sections of this Chapter even if the majority of customers using the facility enter through loading docks, bays, doors or other side or rear entrances.
 - ii. This entrance shall meet the Design Guideline Prominent Entrance requirements.
- d. Materials. Self-service storage facility buildings shall be surfaced in high-quality materials. Unfaced concrete block, painted masonry, tilt-up and pre-cast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

e. Design Departures. In addition to the requirements for design departures in LMC 21.25, the Director shall find that a request for approval of a design departure will not cause the development or the use to be inconsistent with the desired character of the zone in which it is located or have negative impacts on surrounding uses.

Section 7: Amendment. Lynnwood Municipal Code Chapter 21.48 (Planned Regional Shopping Center Zone) is hereby amended as follows:

21.48.100 Permitted uses.

A. All uses permitted in the Neighborhood Business (B-3) and Community Business (B-1) zones are permitted in this classification, except for the following:

1. Outdoor used automobile sales;
2. Funeral parlors and mortuaries and
3. Self-service storage facilities.

Section 8: Amendment. Lynnwood Municipal Code Chapter 21.50 (Industrial Zones), Table 21.50.01, is hereby amended as follows:

21.50.100 Uses allowed in the industrial zones.

Table 21.50.01

Use	BTP	LI
Accessory Greenhouses	AC*	–
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding	P	P
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	P	P
Auditoriums	–	P
Auto Wrecking Yards	–	C
Automotive and Machinery Repairing and Storage	–	P
Banks and Other Financial Institutions	C	–
Barber Shops and Beauty Parlors	AC*	–
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	–	P
Bookstores, News Stands, and Stationery Stores	AC*	–
Bottling and Packaging Plants	C	–

Use	BTP	LI
Building Material Yards	–	P
Business and Professional Offices including offices of a clerical or administrative nature	P	P
Business Services and Office Supplies	P	–
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or of patrons)	–	AC
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	–	P
Employees' Cafeterias	AC	P
Florist Shops	AC*	–
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) [†]	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)	P	P
Wireless Communications Facility, Attached	P	P
Gift Shops	AC*	–
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	–
Research and Development	P	P
Laundry and Dry Cleaning Plants	–	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	–	P
Manufacturing Pharmaceuticals	–	C
Mass Transit Storage and Maintenance Facilities	–	C
Municipal Services	P	P
Park and Pool Lots	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC	–
Plant Nurseries	AC*	–
Printing, Publishing and Binding	P	–

Use	BTP	LI
Printing Plants	-	P
Public Utility Facilities	C	-
Recycling Collection Centers	-	C
Repair Shops for Household Appliances	AC*	-
Residences for Watchmen or Custodians	-	P
Restaurants providing on-premises service	AC*	-
Retail Lumber Yards	-	P
Self-Service Storage Facilities	P	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	-
Veterinary Clinics and Veterinary Hospitals ⁺	C	-
Warehouses (not including self-service storage facilities)	P	P
Wholesale trade (i.e., wholesale stores)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wood, Coal and Oil Fuel Yards	-	P

+See LMC 21.50.110.

Key:

P = Use is permitted as a primary use.

C = The use may be permitted through issuance of a conditional use permit.

AC = Use is permitted as an accessory conditional use and shall be related to the principal use of the tenant space or property.

AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

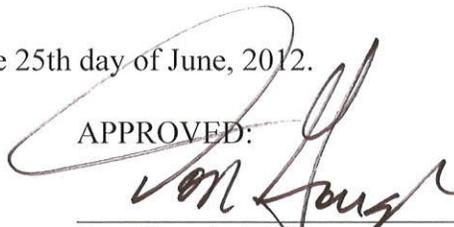
- = Use is prohibited.

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

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

PASSED BY THE CITY COUNCIL, the 25th day of June, 2012.

APPROVED:



Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines
Finance Director

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: June 21-12

PASSED BY THE CITY COUNCIL: June 25, 2012

PUBLISHED: July 2-2012

EFFECTIVE DATE: July 7-2012

ORDINANCE NUMBER: 2947

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

LYNNWOOD
WASHINGTON
CITY OF LYNNWOOD
CITY COUNCIL
SUMMARY OF ORDINANCE TITLE
On the 25th day of June, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2947. A summary of the content of said ordinance, consisting of the title, provides as follows:
ORDINANCE NO. 2947
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 21.02, 21.18, 21.46, AND 21.50 RELATING TO SELF-SERVICE STORAGE FACILITIES, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.
For the cost of copying a full copy of any ordinance may be obtained by contacting the City Clerk's Office at 425.879.5141. Alternatively, they may be viewed online at www.ci.lynnwood.wa.us
Lorenzo Hines Jr.
Finance Director
Printed: July 2, 2012

Summary of Ordinance No. 2947

a printed copy of which is hereto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

July 02, 2012

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zemon

Principal Clerk

Subscribed and sworn to before me this

2nd

day of July, 2012

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

