



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3010

AN ORDINANCE OF THE CITY OF LYNNWOOD, RELATING TO COMMERCIAL ZONING; CONSOLIDATING THE B-3 AND B-4 ZONES INTO A SINGLE ZONE, B-3 NEIGHBORHOOD COMMERCIAL; AMENDING REFERENCES TO THE NEIGHBORHOOD BUSINESS ZONE; AMENDING CHAPTER 21.46 LMC, LMC 10.12.400, LMC 21.16.310, LMC 21.40.100, LMC 21.40.900, AND LMC 21.48.100; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

WHEREAS, Title 21 of the Lynnwood Municipal Code (LMC), also known as the Zoning Code, regulates the use of land and structures and the location, size, and bulk of structures, and promotes the protection and enhancement of the quality of the natural environment and the health, safety, morals and general welfare of the citizens of the City of Lynnwood; and

WHEREAS, Chapter 21.40 LMC establishes the use zones and the City of Lynnwood Official Zoning Map; and

WHEREAS, Chapter 21.46 LMC regulates the location, height, bulk, and size of buildings constructed for business and commercial uses, provides a range of use zones of varying degrees of restrictiveness in the types of businesses permitted, facilitates the economical provision of utilities, and encourages general improvement of the appearance of commercial areas; and

WHEREAS, the Community Development Department, along with the City's Planning Commission, periodically reviews Title 21 LMC for consistency and recommends to the City Council potential amendments to the Zoning Code to improve consistency and efficiency; and

WHEREAS, the City of Lynnwood has a number of commercial zoning districts to regulate intensity and nature of development in different areas of the City, three of which are designated as very low-intensity commercial zones; and

WHEREAS, the B-3 Neighborhood Business and B-4 Restricted Business use zones specify allowable uses that are nearly identical and seldom used; and

WHEREAS, the Community Development Department has proposed to amend Chapters 21.40 and 21.46 LMC and the Official Zoning Map of the City of Lynnwood to consolidate the B-

3 Neighborhood Business and B-4 Restricted Business Districts into a single zone called "B-3 Neighborhood Commercial"; and

WHEREAS, provisions in Chapters 10.12 LMC, 21.16 LMC, and 21.48 LMC should also be amended to reflect the amendments to the B-3 zone and to maintain consistency; and

WHEREAS, on January 3, 2013, pursuant to the State Environmental Policy Act (SEPA), a Determination of Nonsignificance (DS) was issued by the City of Lynnwood SEPA Responsible Official; and

WHEREAS, on December 10, 2012, the proposed amendments to the Zoning Code (Title 21 LMC) were submitted to the Department of Commerce in accordance with RCW 36.70A.106 and WAC 365-196-630; and

WHEREAS, on March 7, 2013, notice of the March 28, 2013 public hearing before the Planning Commission was provided in accordance with applicable law and all persons wishing to be heard were heard on that date; and

WHEREAS, on May 3, 2013, notice of the May 28, 2013 public hearing before the City Council was provided in accordance with applicable law and all persons wishing to be heard were heard on that date; and

WHEREAS, there has been appropriate public notice and opportunity for public participation and comment on the amendments put forth by this Ordinance; and

WHEREAS, the City Council finds that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety or welfare; and c) in the best interests of the citizens and property owners of the City of Lynnwood;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. LMC 10.12.400 is hereby amended as follows:

10.12.400 Designation of environments.

A. Environmental Designations for Noise Abatement. Environmental designations for noise abatement (EDNA) are hereby declared. They are based primarily on the zoning ordinance but also take into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity. Designation of such EDNAs are based on the following typical uses:

1. Class A EDNA – Lands where human beings reside and sleep. Typically Class A EDNA will be the following types of property used for human habitation:

- a. Residential;
- b. Multiple-family living accommodations;
- c. Recreational and entertainment, e.g., camps, parks, camping facilities, and resorts;
- d. Community service, e.g., orphanages, homes for the aged, hospitals, health, and correctional facilities.

2. Class B EDNA – Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- a. Commercial living accommodations;
- b. Commercial dining establishments;
- c. Motor vehicle services;
- d. Retail services;
- e. Banks and office buildings;
- f. Miscellaneous commercial services, property not used for human habitation;
- g. Recreation and entertainment, property not used for human habitation, e.g., theaters, stadiums, fairgrounds, and amusement parks;
- h. Community services, property not used for human habitation, e.g., educational, religious, governmental, cultural and recreational facilities.

3. Class C EDNA – Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Typically, Class C EDNA will be the following types of property:

- a. Storage, warehouse, and distribution facilities;
- b. Industrial property used for the production and fabrication of durable and nondurable manmade goods;
- c. Agricultural and silvicultural property used for the production of crops, plant products or livestock.

B. Zoning for Noise Abatement. The following land use zoning classifications as described in LMC Title 21 are hereby assigned the EDNA classifications below:

ZONE	EDNA
	Class A
Residential 8400 Sq. Ft (RS-8)	
Residential 7200 Sq. Ft (RS-7)	
Residential 4000 Sq Ft (RS-4)	
Public (P-1)	
Multiple Residential Low Density (RML)	
Multiple Residential Medium Density (RMM)	
Multiple Residential High Density (RMH)	
Mobile Home Park (MHP)	
	Class B
Limited Business (B-2)	
Neighborhood Commercial (B-3)	
Planned Commercial Development (PCD)	
Community Business (B-1)	
General Commercial (CG)	
Planned Regional Shopping Center (PRC)	
City Center Core (CC-C)	
City Center West (CC-W)	
City Center North (CC-N)	
Mixed Use (MU)	
College District Mixed Use (CDM)	
Highway 99 Mixed Use (HMU)	
	Class C
Business and Technical Park (BTP)	
Light Industrial (LI)	

Section 2. LMC 21.16.310.K is hereby amended as follows:

21.16.310 Commercial signs.

K. Signs in Neighborhood Commercial Zone. Signs shall comply with the following:

1. No roof signs shall be allowed;

2. No freestanding signs shall be allowed, except ground signs in accordance with the regulations of this section; and

3. Building signs shall comply with the regulations of this section. All building signs shall be non-internally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Signs on buildings facades oriented toward nearby residential zones shall not be illuminated.

Section 3. LMC 21.40.100 is hereby amended as follows:

21.40.100 Use zones established.

For the purpose of this title, the city is divided into use zones as provided hereafter:

Essential Uses	Symbols	Description
A. Single-Family Residential Zones.		
Single-Family Residences	RS-8	Residential 8400 Sq. Ft
	RS-7	Residential 7200 Sq. Ft
	RS-4	Residential 4000 Sq. Ft
B. Multiple-Family Zones.		
Multiple-Family Residences	RML	Multiple Residential Low-Density
	RMM	Multiple Residential Medium-Density I
	RMH	Multiple Residential High-Density
C. Commercial Zones.		
	B-3	Neighborhood Business
	B-2	Limited Business
	PCD	Planned Commercial Development
	B-1	Community Business
	MU	Mixed Use
	CC-W	City Center – West
	CC-N	City Center – North
	CC-C	City Center – Core
	CG	General Commercial

	PRC	Planned Regional Shopping Center
	CDM	College District Mixed Use
D. Industrial Zones.		
Employment Uses	BTP	Business/Technical Park
	LI	Light Industrial
E. Public and Institutional Zones.		
Institutional Uses	P-1	Public

Section 4. LMC 21.40.900 is hereby amended as follows:

21.40.900 Order of restrictiveness.

The city of Lynnwood is divided into 20 use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

- RS-8 Residential 8400 Sq Ft
- RS-7 Residential 7200 Sq Ft
- RS-4 Residential 4000 Sq Ft
- P-1 Public
- RML Multiple Residential Low-Density
- RMM Multiple Residential Medium-Density
- RMH Multiple Residential High-Density
- B-2 Limited Business
- B-3 Neighborhood Commercial
- PCD Planned Commercial Development
- B-1 Community Business
- CDM College District Mixed Use
- MU Mixed Use
- CC-W City Center – West
- CC-N City Center – North
- CC-C City Center – Core
- CG General Commercial
- PRC Planned Regional Shopping Center

BTP Business/Technical Park
LI Light Industrial

Section 5. Chapter 21.46 LMC is amended to read as set forth in Exhibit A to this Ordinance attached hereto and incorporated herein by this reference.

Section 6. LMC 21.48.100 is hereby amended as follows:

21.48.100 Permitted uses.

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

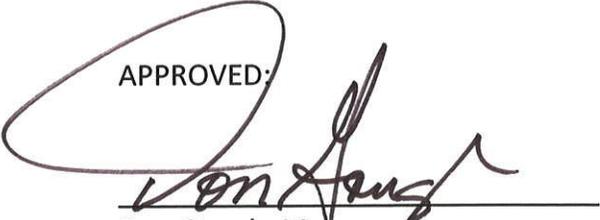
1. Outdoor used automobile sales; and
2. Funeral parlors and mortuaries.

Section 7. Effective Date of Amendment and Adoption. 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.

Section 8. 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.

PASSED by the City Council this 12th day of August, 2013, and signed in authentication of its passage this 13th day of August, 2013.

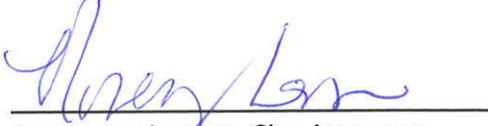
APPROVED:


Don Gough, Mayor

ATTEST/AUTHENTICATED:


Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:


Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 08/06/2013
PASSED BY THE CITY COUNCIL: 08/12/2013
PUBLISHED: 08/15/2013
EFFECTIVE DATE: 08/20/2013
ORDINANCE NUMBER: 3010

File Name: B-3/B-4 Zoning Code Amendments
file Number: 2012CAM0006

Chapter 21.46 COMMERCIAL ZONES

Sections:

<u>21.46.050</u>	Purpose.
<u>21.46.100</u>	Permitted structures and uses.
<u>21.46.105</u>	Project design review.
<u>21.46.110</u>	Limitations on uses – General.
<u>21.46.111</u>	Limitation on uses – Auto-oriented uses.
<u>21.46.112</u>	Limitations on uses – Restaurants.
<u>21.46.113</u>	Limitations on uses – Institutional uses.
<u>21.46.114</u>	Limitations on uses – Medical uses.
<u>21.46.115</u>	Limitations on uses – Office uses.
<u>21.46.116</u>	Limitations on uses – Residential uses.
<u>21.46.117</u>	Limitations on uses – Retail uses.
<u>21.46.118</u>	Limitations on uses – Light industrial uses.
<u>21.46.119</u>	Limitations on uses – Other uses.
<u>21.46.120</u>	General commercial area for controlled uses.
<u>21.46.130</u>	Prohibited uses.
<u>21.46.200</u>	Development standards.
<u>21.46.210</u>	Additional development standards.
<u>21.46.212</u>	Swift Station off-street parking and landscaping.
<u>21.46.220</u>	Transition or buffer strip.
<u>21.46.230</u>	Other transitional requirements.
<u>21.46.500</u>	<i>Repealed.</i>
<u>21.46.510</u>	<i>Repealed.</i>
<u>21.46.900</u>	Other regulations.
<u>21.46.910</u>	<i>Repealed.</i>

21.46.050 Purpose.

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

1. To regulate the location, height, bulk, and size of buildings constructed for business and commercial uses, thereby assuring adequate light and air in commercial zones;
2. To provide a range of use zones of varying degrees of restrictiveness in the types of businesses permitted; thereby providing for the development of shopping centers and the various other types of business and/or commercial areas;
3. To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access to commercial zones by vehicles and by pedestrians; and
4. To encourage general improvement of the appearance of commercial areas.

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

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

1. Neighborhood Commercial (B-3). The Neighborhood Commercial zone is intended to provide for compatible retail, professional, and personal service uses, and offices and services including municipal services of not more than two stories which generally serve the everyday needs of the residents of the surrounding neighborhood. Multi-family residential units may be permitted on select B-3 parcels subject to location (Figure 21.46.1) and a Conditional Use Permit.

Neighborhood Commercial zones should be located:

- a. To provide for neighborhood commercial centers at appropriate locations along arterial streets within residential areas; or
- b. To preserve existing neighborhood commercial centers which are at appropriate locations within residential areas, but which may not be located along an arterial street; or
- c. As a transition zone between residential zones and more intensive commercial zones.

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

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

3. Community Business (B-1). The purpose of the Community Business zone is to create a diversified central business area, consisting of retail stores, offices, service establishments, recreation and entertainment, medical and professional services, and such other activities and uses, including municipal services, as are common to a central business district. By excluding most uses which rely on outdoor sales, display or storage, it is intended to encourage the concentration of a maximum variety of indoor stores and shops within the areas to which this classification is applied, as a contribution to the convenience of shoppers and patrons. It is recognized that the characteristics of the uses permitted in this classification produce an environment undesirable for residential purposes, and that residential uses in a commercial area may decrease the capacity of businesses to render maximum services. For these reasons, most residential uses are excluded from this classification. One exception found to be in the public interest is housing and/or long-term care for the elderly and the physically disabled who, due to functional limitations imposed by advanced age and/or physical impairment, benefit from living in close walking proximity to shopping, transit, medical clinics, and other services. Contrary to the typical central business district, which by being highly concentrated in a small area is convenient for the pedestrian shopper, but cannot provide sufficient automobile parking space, it is intended that the central business area shall have adequate off-street parking through the provision that with each new building, enough spaces are provided to meet the anticipated parking demands generated by the building, either by ground-level out-of-doors parking or by parking garages.

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

5. Planned Commercial Development (PCD). The Planned Commercial Development zone is intended to allow and encourage the controlled development of commercial uses and services, including municipal services in areas where, because of traffic flows, adjacent uses or other land use factors, conventional commercial development and other alternative land uses are not desirable. It is intended that PCD zones may be located adjacent to existing planned regional shopping centers, major highways or industrial and business park developments where appropriate, but not adjacent to single-family residential neighborhoods as designated by the

comprehensive plan. The purpose of the zone is to allow the planned commercial development of contiguous parcels under multiple ownerships with a degree of coordination and control not possible under other zoning classifications.

Property may only be reclassified to PCD after the comprehensive plan has been amended to designate the area as appropriate for the PCD zone. A design concept for the area included in each PCD zone shall be developed simultaneously with a proposal for amending the comprehensive plan to allow PCD in that zone. The design concept shall indicate major circulation and utility proposals for the zone. Consideration shall be given to internal and external vehicular and pedestrian circulation. The primary purpose of the design concept is to allow advance consideration of coordinated development of parcels in the zone. The design concept shall consist of a site plan and textual guidelines for development of the specific zone. The textual guidelines shall be developed to address specific concerns or attributes of the individual zone which may not be adequately dealt with in the zoning code. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1963 § 3, 1993; Ord. 1880 §§ 1 – 7, 1992; Ord. 1686 § 1, 1989; Ord. 1448 § 1, 1985; Ord. 1447 § 4, 1985; Ord. 1140 § 1, 1980; Ord. 522 § 3, 1969)

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 21.46.01

Automotive Uses	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	P	–	P*	P	P
Auto Glass Stores	–	–	P	P	P
Auto Lubrication Stores	–	–	P	P	P
Auto Wrecking Yards*	–	–	–	–	C
Automobile Mechanical Repair	–	–	–	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	–	–	–	C	P
Automobile Sales and Display*	–	–	P	P	P
Automobiles, rental or sale on open lot	–	–	P**	–	P
Battery Service and Sales	–	–	P*	P	P
Car Wash	–	–	–	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	–	–	–	–	P

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

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

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

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

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

Table 21.46.02

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

Table 21.46.03

Eating and Entertainment Uses		B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands		P	AI	P	P	P-X

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

Table 21.46.04

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

* Minimum building site of three acres; see also LMC [21.02.175](#).

Table 21.46.05

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

* excluding outdoor kennels and runs

Table 21.46.06

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

Table 21.46.07

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

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

Table 21.46.08

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

Table 21.46.09

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

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

Table 21.46.10

Residential Uses		B-3	B-2	PCD	B-1	CG
Adult Family Homes		P	P	P	P	P
All uses permitted in single-family zones		-	-	P	-	-
Multiple-Family Housing Units*		C*	C	-	-	-
Caretaker or Watchman Quarters		C	C	-	C	C

Living Quarters for Homeless Mothers*		P	P	P	P	P
Motels and Motor Hotels		-	P	P	P	P-X
Respite Care		P	-	P	P	P

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

(INSERT FIGURE 21.46.1 B-3 Parcels Over 1 Acre)

Table 21.46.11

Retail Uses		B-3	B-2	PCD	B-1	CG
Apparel Shops		P	-	P	P	P
Appliance Stores, including incidental repair		-	-	P	P	P
Art Stores and Supplies		P	-	P	P	P
Audio Sales and Service		-	-	P	P	P
Bakery Retail Stores		P	-	P	P	P-X
Bicycle Sales and Repair		-	-	P	P	P-X
Boat and Equipment Sales and Display, indoors		-	-	P	P	P
Boats and Trailer, open lots for sale or rental of		-	-	-	-	P
Building Supplies Stores, indoor		-	-	-	-	P
Carpet Shops		-	-	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station*		P	-	P	P	P-X
Convenience Stores located on the same lot and/or within the same		P*	-	-	C	C-X

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

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

Table 21.46.12

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

*Inclusive of all aspects of the business.

Table 21.46.13

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

+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.

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

21.46.105 Project design review.

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

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

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

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

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

21.46.110 Limitations on uses – General.

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

A. General Performance Standards.

1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
3. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets;
4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means;
5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC 21.46.100; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

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

1. General Regulations. Any uses and activities which are permitted to occur outdoors by LMC 21.46.100, or by other provisions of this title, subject to the following:
 - a. The use or activity shall not encroach on site-screening or landscaping as currently required by this title or other city ordinances;
 - b. The use or activity shall not block pedestrian traffic or fire lanes;
 - c. The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings, on sides adjoining public streets, except that such yards may be used for outdoor customer parking and for other uses and activities which are permitted outdoors;
 - d. The highest point of any item displayed within that area shall be not more than six feet in height from an even grade and at least 10 feet from the right-of-way line; and

e. Items which, in the opinion of the fire chief, present a potential fire hazard shall be located 15 feet from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet apart.

2. Incidental Outdoor Displays. For uses not included in the foregoing subsection (B)(1) of this section, incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and shall be located in areas underneath marquees, canopies, or overhanging roofs. If no marquees, canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of buildings. All limitations specified in subsection (B)(1) of this section shall apply.

3. Business Serving Customers in Automobiles. Automobile service stations, drive-in restaurants, and other businesses which primarily service customers in automobiles as an inherent trait of the business shall not be permitted to store or display merchandise outdoors, except as specified herein and in subsections (B)(1) and (B)(2) of this section.

4. Commodities Requiring Outdoor Storage. Commodities which would be damaged if required to be kept indoors, including but not limited to growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies and equipment; and public utility facilities (see LMC 21.46.118(B)) are allowed outdoors subject to the provisions of subsection (B)(1) of this section.

5. At Properties Zoned to the Community Business Zone. The on-site parking and storage of rental automobiles and light trucks (rated at one ton capacity or less) is allowed; however, such parking and storage shall be restricted to:

a. A staging area for a maximum of five vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by LMC 21.18.800 for the uses on the site. The staging area shall be paved and striped to the standards of Chapter 21.18 LMC and shall be designated for use by rental vehicles only.

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

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

6. Cross Reference. See also LMC 2.16.100.

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

21.46.111 Limitations on uses – Auto-oriented uses.

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

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

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

2. Development Standards. In addition to any applicable development standards and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), development of full-service stations, self-service stations, and gas stations, and convenience stores when combined with any of these stations, shall comply with the following standards:

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

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

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

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

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

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

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

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

i. Signs. See LMC 21.16.310 for sign regulations.

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

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

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

3. Operation, Supervision, and Maintenance Restrictions.

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

b. Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as approved by conditional use permit.

c. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of a full-service station, self-service station, and gas station, shall require a separate occupancy permit and business license. These uses would only be allowed as an accessory use if they are permitted in that zone as a separate use. The application for the occupancy permit and business license shall be accompanied by a site plan, and any vehicles or equipment involved shall be stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The development for the accessory use shall meet all applicable city regulations.

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

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

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

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

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

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

4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store. When a convenience store is combined with an automobile service station, self-service station and/or gas station, design considerations shall be implemented to minimize pedestrian

conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.

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

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

- a. The proposal meets the Uniform Fire Code and Uniform Building Code;
- b. The proposal meets the standards of this chapter and this title; and
- c. The proposal meets all other applicable city and governmental regulations.

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

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

21.46.112 Limitations on uses – Restaurants.

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

21.46.113 Limitations on uses – Institutional uses.

A. Child Day-Care Center.

1. Considerations. A child day-care center may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the hearing examiner will consider the need

for the activity in the area and all possible impacts in the area including but not limited to the following:

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

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- f. The applicant must indicate the ages of the children to be cared for. (Ord. 2730 § 4, 2008; Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1844, 1992; Ord. 1489 § 2, 1985)

21.46.114 Limitations on uses – Medical uses.

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

21.46.115 Limitations on uses – Office uses.

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

In considering the requested permit, the adequacy of parking shall be of prime consideration. Any application shall demonstrate provision for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the community development director may suspend or terminate the permit upon 30 days' written notice. During the 30-day period, the holder of the permit may request review of the revocation by the city council. The building may be enlarged, but the office area shall not exceed 25 percent of the total square footage of the building. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 950 § 2, 1978)

21.46.116 Limitations on uses – Residential uses.

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

B. Multiple-Family Housing. Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple-family housing shall apply.

C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional use permit.

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

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

- b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
- e. Restriction to such intended use except by revision through a subsequent conditional use permit;

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

- a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
- b. Passive recreation and/or open space: 200 square feet minimum per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

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

- 1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).
- 2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family

residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1988 § 1, 1994; Ord. 1923 § 2, 1992; Ord. 1917 § 2, 1992; Ord. 1888 § 2, 1992; Ord. 1883 § 2, 1992; Ord. 1472 § 2, 1985; Ord. 1447 § 6, 1985; Ord. 522 § 3, 1966; Ord. 285 § 5, 1966)

21.46.117 Limitations on uses – Retail uses.

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

21.46.118 Limitations on uses – Light industrial uses.

A. General.

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

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

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

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

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

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

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

21.46.119 Limitations on uses – Other uses.

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

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

B. Charitable or Relief Supplies Collection and Storage. Centers for the collection, temporary storage and distribution of charitable or relief supplies may be permitted upon approval of a conditional use permit. In considering such a conditional use permit application, the hearing examiner may impose restrictions on

outdoor storage, truck parking, and use of machinery, and may impose such other conditions as are necessary to assure compatibility with surrounding properties.

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

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. The applicant shall demonstrate the need for the proposed tower (wireless communications support structure) to be located near a residential area, the procedures involved in the site selection and evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
3. A site development plan shall be submitted showing the location, size, screening, and design of all buildings and structures, including fences, the location, size and nature of outdoor equipment, and the location, number, and species of all proposed landscaping;
4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;
5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for nonionizing electromagnetic radiation;
6. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified it may be approved by the city; and
7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Provided, that this subsection shall not apply to utility facilities located on a property which are accessory to the property or to the transmission, distribution or collection lines and equipment necessary to provide a direct utility connection to the property or neighboring properties, or to those utility facilities located on public right-of-way. (Ord. 2441 § 14, 2003; Ord. 2065 § 8, 1995; Ord. 2020 § 19, 1994; Ord. 1963 § 2, 1993; Ord. 1758 § 5, 1990)

21.46.120 General commercial area for controlled uses.

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

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

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

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

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

1. The same location standards as set forth in subsection (C) of this section for adult establishments;

2. The same variance from separation requirements as set forth in subsection (D) of this section for adult establishments; and
3. The same development standards as set forth in subsection (F) of this section for adult establishments.

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

1. Separation from Locations. No adult establishment use shall be allowed to locate within 300 feet of any property zoned residential or P-1, or any property which is occupied by living quarters for homeless teenage parents.
2. Measurement of Distance. The 300-foot separation shall be measured by following a straight line, without reference to intervening structures, between the nearest point on a line defining a residentially zoned or P-1-zoned property or property which is occupied by living quarters for homeless teenage parents and the nearest point of the building or portion thereof used by an adult establishment.

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

1. Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;
2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and
3. Any other fact or circumstance which has a significant effect upon the need for the full separation distance required by this chapter.

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

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

1. Pet grooming, pet shops, and veterinary clinics;
2. Churches, libraries, museums, art galleries and similar institutions;
3. Schools, including pre-schools, child day care, and nursery school;
4. Fountains and ice cream stands, restaurants and cafeterias, drive-in car service, and take-out restaurants;
5. Bakery retail stores and convenience stores;
6. Hotels/motels and motor hotels;
7. Indoor amusement enterprises centers, as defined;
8. Bicycle sale and repair;
9. Wholesale stores.

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

1. Signs. See LMC 21.16.310 for sign regulations.
2. Other Standards. The following standards apply to adult establishments in the controlled use area, and the following standards shall supersede the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:
 - a. The starting of an adult establishment constitutes a change in use and is subject to the nonconforming chapter in addition to these development standards;
 - b. Landscaping shall be a wall of trees created by two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site-screening fence shall be placed on the side and rear property lines;
 - c. All parking areas shall be visible from the street fronting the establishment and shall not allow access to the rear of any structures;
 - d. The parking areas shall be fully illuminated with street light standards. (Ord. 2441 § 14, 2003; Ord. 2388 § 32, 2001; Ord. 2310 § 40, 2000; Ord. 2020 § 19, 1994; Ord. 1988 § 2,

1994; Ord. 1903 §§ 1, 2, 3, 1992; Ord. 1890 §§ 1, 2, 3, 1992; Ord. 1847 § 2, 1991; Ord. 1846 § 4, 1991; Ord. 1844 § 11, 1991; Ord. 1811 § 1, 1991)

21.46.130 Prohibited uses.

The following uses shall be prohibited in all commercial zones:

A. Heliports and helistops. (Ord. 2310 § 41, 2000)

21.46.200 Development standards.

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

A. General Area and Dimensional Standards. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with the following standards and in conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145 (B)(3) (for purposes of determining the required yards along public street, the classification of streets indicated on the comprehensive plan shall apply):

Table 21.46.14
Minimum Standards

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

Key:

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

- + Except that the maximum height within 25 feet of a residential zone is 25 feet; except that multi-family is permitted at three-stories or 45-feet (whichever is less) on parcels that have a minimum of one- acre in size, subject to standards and procedures established in Section 21.43 for the Multiple Residential Medium Density Zone (RMM). See Figure 21.46.1 for specific permitted locations.

B. Exceptions.

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

21.46.210 Additional development standards.

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

B. Parking.

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

2. Landscaping in Parking Areas.

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

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

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

iii. To insure the preservation of land values in commercial zones by creating and insuring an environmental quality which complements the commercial objectives of the respective land.

b. Planting at Street Frontages. Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot-wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot-wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot-wide planting area along the entire street frontage with the same above exceptions. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department. Low evergreen plantings, or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover within two years.

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

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

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

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

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

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

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

f. Additional Landscaping Along Specified Streets. Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the city council, upon recommendation by the planning commission, may designate specific street frontage landscaping plans for those streets. See Chapter 21.06 LMC. (Ord. 2441 § 14, 2003; Ord. 2388 § 35, 2001; Ord. 2020 § 19, 1994; Ord. 1770 § 13, 1990; Ord. 1461 § 2, 1985; Ord. 1424 § 2, 1984; Ord. 1253 §§ 3, 4, 1982; Ord. 1241 § 3, 1982; Ord. 854 §§ 2, 3, 1976; Ord. 575 § 1, 1970; Ord. 522 § 3, 1969; Ord. 464 § 3, 1969; Ord. 407 § 2, 1968)

21.46.212 Swift Station off-street parking and landscaping.

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

21.46.220 Transition or buffer strip.

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

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

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

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

C. Minimum Standards.

1. Planting and Fencing.

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

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

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

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

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

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

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

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

D. Fence Regulations.

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

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

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

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

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

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

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

21.46.230 Other transitional requirements.

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

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

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

Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a multiple-family residential zone the minimum side yard setback shall be 15 feet and the minimum rear yard setback shall be 25 feet. (Ord. 2441 § 14, 2003; Ord. 2020 § 19, 1994; Ord. 1343 § 5, 1983; Ord. 1140 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)

21.46.500 Commercial signage.

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

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

21.46.510 Real estate signs.

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

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

21.46.900 Other regulations.

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

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

- a. Set back a minimum of 25 feet from a public street;
- b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or
- c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 zone with one-family dwelling units if a business site is less than one acre in area.

2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

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

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

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

In addition, the applicants shall provide such market information as may be required by the planning commission or city council in determining whether the proposed development will promote the general

welfare of the city. Businesses which are nonconforming in another zone but which would be conforming if zoned Neighborhood Commercial may be rezoned Neighborhood Commercial without regard to the minimum and maximum area, upon a finding that such a rezone would be in the public interest and/or the businesses in question would be consistent with the general intent of the Neighborhood Commercial zone.

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

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

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

D. Cooperative Development of Adjacent Properties in Commercial Zones and Nonresidential Projects Developed in Zones Other Than Commercial Zones, Except the Planned Regional Center Zone. It is hereby declared to be the policy of the city to encourage in the zones referred to in this caption adjoining properties that are so situated as to be developed or redeveloped through cooperative plans for access, egress, and parking facilities to do so by a relaxation of the total parking requirements for such properties. Property owners desiring to take advantage of said policy may submit detailed plans to the city, and if such plans are approved by the appropriate city departments, the required off-street parking for each respective parcel may be reduced by twice the number of stalls that could be accommodated by the actual square footage of land provided by each respective parcel for a common driveway, provided:

1. That such reduction in parking will not reduce parking by more than 10 percent of the amount otherwise required;
2. A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;
3. In circumstances where buildings already exist, that the plans include a reasonable effort to coordinate, redesign or refinish the exterior of the buildings in a unified manner so as to improve the visual image of the street and vicinity;

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

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

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

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

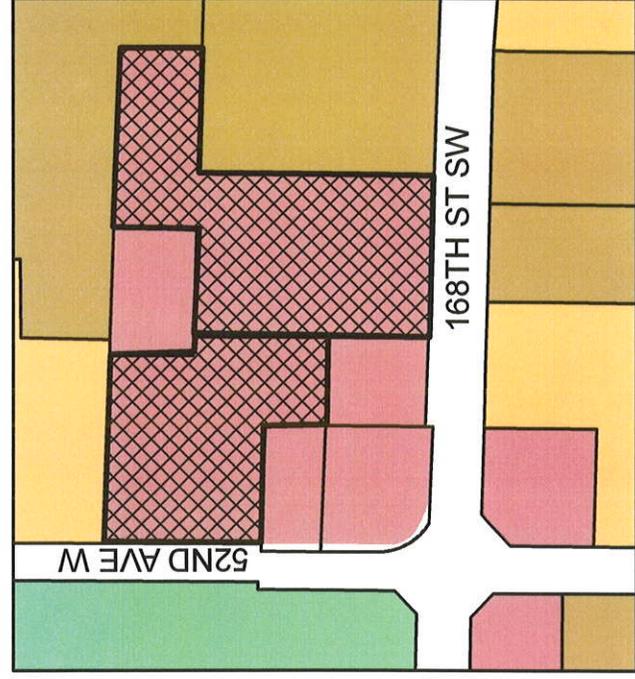
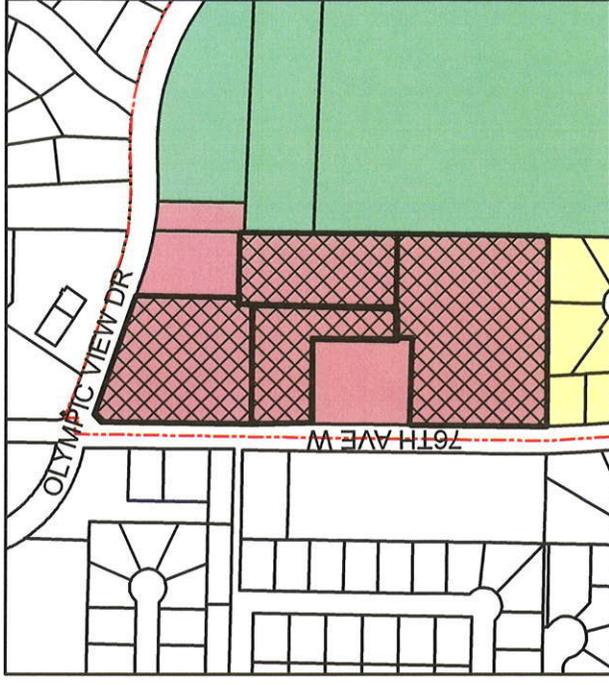
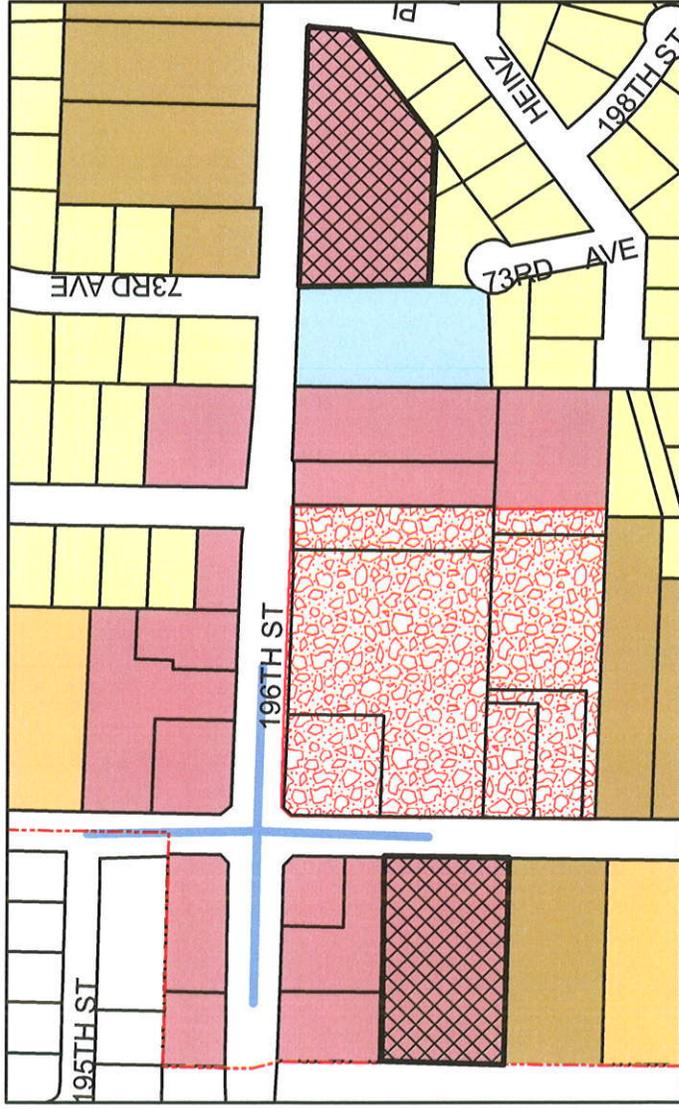
E. Surface Water Management. All building permit applications and site plans required herein shall provide adequate facilities for the management of surface water.

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

21.46.910 East 196th PCD overlay regulations.

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

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





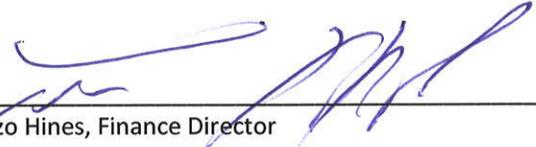
On the 12th day of August the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3010. A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3010

AN ORDINANCE OF THE CITY OF LYNNWOOD, RELATING TO COMMERCIAL ZONING; CONSOLIDATING THE B-3 AND B-4 ZONES INTO A SINGLE ZONE, B-3 NEIGHBORHOOD COMMERCIAL; AMENDING REFERENCES TO THE NEIGHBORHOOD BUSINESS ZONE; AMENDING CHAPTER 21.46 LMC, LMC 10.12.400, LMC 21.16.310, LMC 21.40.100, LMC 21.40.900, AND LMC 21.48.100; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

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

DATED this 15th day of August, 2013



Lorenzo Hines, Finance Director

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3010 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3010

AN ORDINANCE OF THE CITY OF LYNNWOOD, RELATING TO COMMERCIAL ZONING; CONSOLIDATING THE B-3 AND B-4 ZONES INTO A SINGLE ZONE, B-3 NEIGHBORHOOD COMMERCIAL; AMENDING REFERENCES TO THE NEIGHBORHOOD BUSINESS ZONE; AMENDING CHAPTER 21.46 LMC, LMC 10.12.400, LMC 21.16.310, LMC 21.40.100, LMC 21.40.900, AND LMC 21.48.100; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 15, 2013.



Lorenzo Hines Jr., City Clerk and
Finance Director