



**ORDINANCE NO. 3023**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR MULTI-FAMILY HOUSING IN THE "HIGHWAY 99 CORRIDOR" DESIGNATED ON THE FUTURE LAND USE MAP AND IN THE COMMUNITY BUSINESS (B-1) AND GENERAL COMMERCIAL (CG) ZONES, AMENDING LMC 21.46.050, 21.46.100 AND 21.46.116, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, the Washington State Growth Management Act requires consistency between the City of Lynnwood Comprehensive Plan and the City of Lynnwood zoning code; and

WHEREAS, with adoption of Ordinance 2910 on September 12, 2011, the City Council adopted the Highway 99 Subarea Plan (the "Plan") and incorporated the Plan by reference into the City of Lynnwood Comprehensive Plan; and

WHEREAS, within the "Policy and Implementations Recommendations" Chapter of the "Plan", Goal 3 is to "support housing along and adjacent to the Highway Corridor"; and

WHEREAS, Policy 3.2 under Goal 3, is to "consider allowing residential development at larger parcels outside of the nodes"; and

WHEREAS, 3.2.1 under Policy 3.2 is to "allow residential development at parcels five acres or larger through approval of a planned unit development"; and

WHEREAS, to date, the City of Lynnwood Zoning Code has not been amended to allow the development of multi-family residential housing on parcels outside of the nodes; and

WHEREAS, development of multi-family housing outside of the nodes cannot occur until the Zoning Code is amended; and

WHEREAS, on April 24, 2013, the SEPA Responsible Official issued a Determination of Non-Significance on the proposal with no public comments having been received during the public comment period and no appeal having been filed; and,

WHEREAS, on April 23, 2013, the proposed amendments to the Zoning Code (Title 21 LMC) were submitted to the Department of Commerce in accordance with RCW36.70A.106 and WAC 365-196-630; and

WHEREAS, on May 25, 2013, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance and, following the public hearing, made a recommendation to the Lynnwood City Council to adopt an ordinance authorizing multi-family residential development along Highway 99 outside of the “nodes”; and,

WHEREAS, on September 23, 2013 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; and,

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

Section 1. Lynnwood Municipal Code section 21.46.050, is hereby amended as follows:

21.46.050 Purpose

- A. General. The purpose 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 reason of traffic generation or other characteristics of the business.

- B. Individual Zones. The purpose of the individual zones are as follows:
  1. Neighborhood Business (B-3) No change proposed...
  2. Limited Business (B-2) No change proposed...

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 the residential uses in a commercial area may decrease the capacity of business 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. Another exception is specified parcels located in the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map. As the convenience of locations and scheduling has advanced with the bus transit system along Highway 99, location of multiple-family housing in the vicinity of the Highway creates the opportunity of less demand for single-family vehicle trips. This multiple-family housing especially when located adjacent to convenience retail creates a sustainable environment with goods and services located a walkable distance from compact residential development. Contrary to the typical central business district, which by being heavily concentrated in a small area is convenient for the pedestrian shopper, but cannot provide sufficient automobile parking space, it is intended that the central business 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 variety of commercial, retail, and other uses, including municipal services. These uses are primarily related to auto borne clientele, rather than pedestrian clientele. These uses tend to locate along arterials and, by nature of their activity, create a high degree of turning movements which impede the flow of arterial traffic and create traffic hazards. The commercial development extending along arterials generally reflects a low aesthetic quality at locations which have a maximum 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. With the expansion of the bus system serving Highway 99, the location of multiple-family residential housing in the vicinity of the highway allows the opportunity to create a more sustainable environment. Multiple-family housing on sites on specified parcels within the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map, allows compact multiple family residential development a walkable distance from convenience retail with goods and services and reduces single-vehicle trips due to the availability of transit.

Section 2. Lynnwood Municipal Code section 21.46.400, Table 21.46.10, is hereby amended as follows:

<b>Table 21.46.10</b>					
<b>Residential Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Adult Family Homes	P	P	P	P	P
All uses permitted in single family zones	-	-	P	-	-
Multiple Family Housing Units +	C*	C	-	-	-
Multiple Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map)	-	-	-	P	P
Caretaker or Watchman Quarters	C	C	-	C	C
Living Quarters for Homeless Mothers +	P	P	P	P	P
Motels or Major Hotels	-	P	P	P	P-X
Respite Care	P	-	P	P	P
+ See LMC 21.46.110 through 21.46.119					

Section 2. Lynnwood Municipal Code section 21.46.116 is hereby amended as follows:

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. Multiple-Family Housing – Highway 99 Corridor in the Community Business (B-1) and General Commercial (CG) zones. Multiple-Family Housing is permitted in the B-1 and CG zones

on specified parcels in the Highway 99 Corridor as designated on the City of Lynnwood Future Land Use Map. Multiple-family residential development may be combined with mixed use development subject to the following bulk requirements:

Table 12.46.13(a) Development Level		
	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre
<b>Development Standard</b>		
Minimum Lot Area	None	None
Minimum Setbacks*		
Public Street	None	None
Interior Property Lines	None	None
Ground Floor Residential Units+	10 ft.	10 ft.
Minimum Sidewalk Width Along Public Streets	12 ft.	12 ft.
Maximum Lot Coverage	35%	None
Maximum Building Height	50 ft.	90 ft., not to exceed six stories
Minimum Dwelling units/Acre++	N/A	20 DU/A
Maximum Floor-Area Ratio	1.0	3.0
<p>* See LMC 21.62.450 for development adjacent to a residential zone (Transitional Property Lines).</p> <p>+ Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian), parking areas, or access easement. Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.</p> <p>++ The minimum number of residential units to qualify for this Level shall be calculated using the entire project site. Where residential development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of a unit are "rounded up: for this calculation.</p>		

Buildings within 200 feet of Highway 99 shall be mixed use development with commercial development on the first floor. Phased development may occur on large parcels but the initial development plan is required to illustrate the commercial activity adjacent to Highway 99.

Multiple-family development shall comply with the remainder of the development regulations established in Chapter 21.62 LMC Highway 99 Mixed Use Zones unless otherwise indicated in Chapter 21.62 LMC. Stand-alone multiple-family development or mixed use development shall also comply with the Design Guidelines for the Highway 99 Mixed Use Zones.

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

D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional 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 the 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 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 and/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.

E. 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 time shall not exceed 2:1, 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 quarter 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 quarter 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.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 14<sup>th</sup> day of October, 2013, and signed in authentication of its passage this 4<sup>th</sup> day of November, 2013.

APPROVED:

  
\_\_\_\_\_  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 10/14/2013  
PASSED BY THE CITY COUNCIL: 10/14/2013



On the 14<sup>th</sup> day of October, 2013 the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3023. A summary of the content of said ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3023**

**AN ORDINANCE OF THE CITY OF LYNNWOOD WASHINGTON, ESTABLISHING REGULATIONS FOR MULTI-FAMILY HOUSING IN THE "HIGHWAY 99 CORRIDOR DESIGNATED ON THE FUTURE LAND USE MAP AND IN THE COMMUNITY BUSINESS (B-1) AND GENERAL COMMERCIAL (CG) ZONES, AMENDING LMC 21.46.050, 21.46.100 AND 21.46.116 AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

DATED this 21<sup>st</sup> day of October

  
\_\_\_\_\_  
Lorelzo Hines Jr., Finance Director

RECEIVED

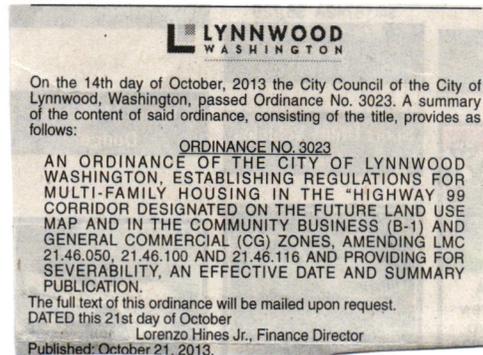
NOV -1 2013

CITY OF LYNNWOOD  
FINANCE DIRECTOR

Affidavit of Publication

STATE OF WASHINGTON }  
COUNTY OF SNOHOMISH } ss

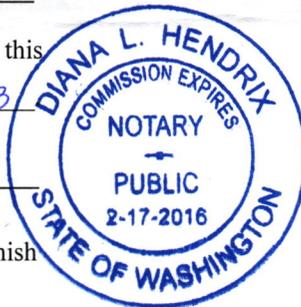
The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice is a true copy of City Ordinances - Ordinance No. 3023 521792 a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:  
2 issue(s), such publication commencing on 10/21/2013 and ending on 10/21/2013 and that said newspaper was regularly distributed to its subscribers during all of said period. The amount of the fee for such publication is \$ 24.84.



Karen E. Zorn

Subscribed and sworn before me on this 22<sup>nd</sup> day of October, 2013

Diana Hendrix



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



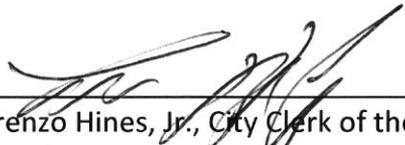
## **CERTIFICATE**

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. 3023 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3023**

**AN ORDINANCE OF THE CITY OF LYNNWOOD WASHINGTON, ESTABLISHING REGULATIONS FOR MULTI-FAMILY HOUSING IN THE "HIGHWAY 99 CORRIDOR DESIGNATED ON THE FUTURE LAND USE MAP AND IN THE COMMUNITY BUSINESS (B-1) AND GENERAL COMMERCIAL (CG) ZONES, AMENDING LMC 21.46.050, 21.46.100 AND 21.46.116 AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on October 14, 2013 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 October 21, 2013.

  
\_\_\_\_\_  
Lorenzo Hines, Jr., City Clerk of the  
City of Lynnwood, Washington