



**ORDINANCE NO. 3047**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING NEW SECTIONS 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930 TO THE LYNNWOOD MUNICIPAL CODE, RENUMBERING LMC 21.02.210 TO LMC 21.02.208, AND AMENDING LMC 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100, 21.52.100, 21.52.120, 21.54.100, 21.57.400, 21.62.200, AND 17.02.230 FOR THE PURPOSES OF COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, during the 2009 session the Washington State Legislature passed Second Substitute House Bill 1481 (2SHB 1481), an Act relating to electric vehicles; and,

WHEREAS, 2SHB 1481 addressed electric vehicle infrastructure including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations; and,

WHEREAS, 2SHB 1481 requires that certain cities allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas; and,

WHEREAS, the purpose of 2SHB 1481 is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure that such a transition necessitates; and,

WHEREAS, on April 25, 2011, the City of Lynnwood issued a SEPA Determination of Non-Significance (DNS) on the proposal with no comments having been received or appeals filed; and,

WHEREAS, the proposal was sent to the Washington State Department of Commerce and State agencies in compliance with RCW 36.70A.106 with no comments having been received; and,

WHEREAS, on July 14, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing on the proposed amendments; and,

WHEREAS, following the public hearing the City of Lynnwood Planning Commission made a recommendation to the Lynnwood City Council; and,

WHEREAS, on March 24, 2014 the Lynnwood City Council held a duly noticed public hearing on the proposed ordinance as recommended by the Planning Commission; now, therefore,

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

**Section 1** Chapter 21.02 of the Lynnwood Municipal Code (LMC) entitled "Definitions", is hereby amended to re-number LMC 21.02.210 to LMC 21.02.208 and to include new sections 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 as follows:

**21.02.081 Battery charging station**

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

**21.02.082 Battery exchange station**

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

**21.02.208 Cemetery.**

"Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**21.02.209 Charging levels**

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- A. Level 1 is slow charging. It requires a 15- or 20-amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is medium charging. It requires a 40-amp to 100-amp breaker on a 240-volt AC circuit.
- C. Level 3 is fast or rapid charging. It requires a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

**21.02.304 Electric vehicle**

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

**21.02.308 Electric vehicle charging station**

“Electric vehicle charging station” means a public or private parking space located together with a battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. Charging stations shall be allowed as an outside activity unless otherwise provided for in this Title.

**21.02.312 Electric vehicle infrastructure**

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

**21.02.316 Electric vehicle parking space**

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**21.02.593 Rapid charging station**

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

**Section 2.** LMC 21.42.400 entitled “Accessory structures and uses” is hereby amended as follows:

**21.42.400 Accessory structures and uses.**

- A. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height

restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

- B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.
- C. Keeping Small Animals as Pets.
  1. The keeping of small animals as pets shall be permitted as an accessory use;
  2. Livestock, except chickens. The keeping of livestock (except chickens; See LMC section 21.42.400(C)(3)) shall not be permitted except that an occupant shall be able to keep one animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 square feet and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line, except for those provisions provided for chickens, below. An accessory building for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line.
  3. Chickens. The keeping of chickens for personal use of the household (eggs shall not be sold) shall be permitted subject to the following:

- a. A maximum of five (5) chickens may be kept per lot associated with a single family residential dwelling unit.
  - b. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the chickens from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor or noise nuisances, and must be kept in a clean and well maintained condition at all times.
    - i) The enclosed shelter shall provide a floor, walls, and roof and shall be a minimum of four (4) square feet per chicken.
    - ii) The outdoor pen (a ground level roaming area) shall be a minimum of eight (8) square feet per chicken.
    - iii) Pens and shelters shall be constructed so as to discourage predators.
    - iv) The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing adjacent residence shall be sight obscuring through the use of a solid fence.
    - v) Electrical provided to the shelter will require an electrical building permit.
  - c. Bedding/manure shall be composted or bagged and tied and placed within garbage dumpsters.
  - d. Roosters shall be prohibited.
  - e. Chickens shall not be processed on premise. Infected chickens with diseases harmful to humans shall be removed
4. The keeping of mink, goats, foxes, or hogs is prohibited.
- D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.
- E. Electric Vehicle Charging Stations. Level 1 and Level 2 Electric Vehicle Charging Stations are allowed as an accessory use but shall be privately owned with restricted access (e.g. occupants of a single family home, employees and members of the congregation in the case of a religious institution). The Electric Vehicle Charging Station shall not be open for use to the general public.

**Section 3.** LMC 21.43.400 entitled “Accessory structures and uses” is hereby amended as follows:

**21.43.400 Accessory structures and uses.**

- A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH zones as long as they adhere to the side yard, rear yard and front yard setbacks as required herein for the applicable zone. In the RML zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.

- B. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination.
1. That the solar energy system has a net energy gain;
  2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
  3. That the solar energy system not adversely affect solar access to adjacent properties;
  4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
  5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

- C. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.
- D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted.
- E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.
- F. Electric Vehicle Charging Stations. Level 1 and Level 2 Electric Vehicle Charging Stations are allowed as an accessory use but shall be privately owned with restricted access (e.g. renters of a multiple family dwelling complex, employees and members of the congregation in the case of a religious institution). The Electric Vehicle Charging Station shall not be open for use to the general public.

**Section 4.** LMC 21.44.100 is hereby amended as follows.

**“21.44.100 Uses allowed.**

- A. Permitted Uses.
  - 1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are permitted.
  - 2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:
    - a. Churches;
    - b. Private or semiprivate memorial buildings;
    - c. Community clubhouses, convention centers, public golf courses, and accessory uses;
    - d. Art galleries, libraries, and museums;
    - e. Private schools, universities, and colleges;
    - f. Child day care;
    - g. Public parks, playgrounds, and schools;
    - h. Municipal buildings, including police stations, fire stations, and performing arts facilities;
    - i. Clubs or fraternal societies but not including those which provide entertainment or allow alcoholic beverages;
    - j. Transit center;
    - k. Park-and-ride lots;
    - l. Park and pool lots;
    - m. Existing wastewater treatment plant.
  - 3. Temporary Uses. The operation of hot air balloons in conjunction with a temporary special event, subject to issuance of a temporary special event license in accordance with Chapter 5.30 LMC, except that no fee shall be required. Each applicant for such a temporary special event license shall verify that the balloon is to be operated by a licensed pilot and shall demonstrate adequate provisions for safe operation. No hot air balloon utilized in such a temporary special event shall bear any symbols, letters, or pictures whatsoever.
  - 4. Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted use or conditionally permitted use.
  - 5. Battery exchange station, (Electric Vehicle), if accessory to a permitted or conditionally permitted use.
- B. Conditional Uses. – No change
- C. Factors for Consideration for Proposed Conditional Uses – No change.
- D. Exemption from Conditional Use Permit Application Process. – No change.

**Section 5.** LMC 21.46.100 entitled “Permitted structures and uses” (Commercial Zones), is hereby amended as follows,

**21.46.100 Permitted Structures and uses.**

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

<b>Table 21.46.01</b>					
<b>Automotive Uses</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
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 <sup>+</sup>	-	-	-	-	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 <sup>+</sup>	-	-	P	P	P
Automobiles, rental or sale on open lot	-	-	P**	-	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, Principal use	C			P	P
Electric Vehicle Charging Station, Level 1, Level 2 and Level 3, if accessory to a permitted or conditionally permitted use only.	A	A	A	A	A
Battery Exchange Station (Electric Vehicle), Principal use	C			C	C
Battery Exchange Station (Electric Vehicle), if accessory to a permitted or conditionally permitted use only.	A	A	A	A	A
Battery Service and Sales	-	-	P*	P	P
Car Wash	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	P
Park and Pool Lots <sup>+</sup>	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 <sup>+</sup>	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.

+See LMC [21.46.110](#) through [21.46.119](#).

Key:

P = Permitted as principal use

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

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

- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- = Not permitted
- X = Not permitted in controlled area
- CA = Permitted only in controlled area. See LMC 21.46.120.

**Section 6.** LMC Section 21.50.100 entitled “Uses allowed in the industrial zones” (Industrial Zones) is hereby amended as follows

**21.50.100 Uses allowed in the industrial zones.**

**Table 21.50.01**

Use	BTP	LI
Accessory Greenhouses	AC*	-
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding	P	P
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	P	P
Auditoriums	-	P
Auto Wrecking Yards	-	C
Automotive and Machinery Repairing and Storage	-	P
Banks and Other Financial Institutions	C	-
Barber Shops and Beauty Parlors	AC*	-
Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted or conditionally permitted use.	A	A
Battery Exchange Station (Electric Vehicle), Principal or accessory use	P, A	P, A
Biotechnology (except manufacturing pharmaceuticals)	P	P
Blacksmithing, Welding, and Metal Fabricating Shops	-	P
Bookstores, News Stands, and Stationery Stores	AC*	-
Bottling and Packaging Plants	C	-
Building Material Yards	-	P
Business and Professional Offices including offices of a clerical or administrative nature	P	P
Business Services and Office Supplies	P	-
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g., day care for children of employees or of patrons)	-	AC
Contractor’s Offices, Shops, and Indoor Storage	P	P
Contractor’s Offices, Shops, and Storage Yards	-	P
Employees’ Cafeterias	AC	P
Florist Shops	AC*	-
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P

Use	BTP	LI
Gift Shops	AC*	–
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	–
Research and Development	P	P
Laundry and Dry Cleaning Plants	–	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	–	P
Manufacturing Pharmaceuticals	–	C
Mass Transit Storage and Maintenance Facilities	–	C
Mini-Warehouses	P	–
Municipal Services	P	P
Park and Pool Lots	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC	–
Plant Nurseries	AC*	–
Printing, Publishing and Binding	P	–
Printing Plants	–	P
Public Utility Facilities	C	–
Recycling Collection Centers	–	C
Repair Shops for Household Appliances	AC*	–
Residences for Watchmen or Custodians	–	P
Restaurants providing on-premises service	AC*	–
Retail Lumber Yards	–	P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	P	–
Veterinary Clinics and Veterinary Hospitals*	C	–
Warehouses (except mini-warehouses)	P	P
Wholesale trade (i.e., wholesale stores)	P	P
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)*	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)	P	P
Wireless Communications Facility, Attached	P	P
Wood, Coal and Oil Fuel Yards	–	P

+See LMC 21.50.110.

Key:

P = Use is permitted as a primary use.

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

A = Permitted as accessory use with a principal permitted or approved conditional use.

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

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

– = Use is prohibited.

**Section 7.** LMC 21.52.100 entitled "Outright permitted uses" (Mixed Use/Business Zone), is hereby amended as follows:

**21.52.100 Outright permitted uses.**

The following uses are permitted outright, provided such use complies with all zoning regulations of the city.

- A. All uses permitted in RS-8 zoning classification.
- B. Libraries, museums, art galleries, and similar institutions.
- C. A maximum density of 24 dwelling units per acre will be allowed in this zone. The development standards of the city's RMH zoning classification will apply, except as otherwise changed by this chapter. Maximum residential density may be increased for nursing and convalescent uses, housing for the elderly, and housing for the physically disabled, as provided by LMC [21.43.110\(G\)](#) and [21.46.116\(C\)](#).
- D. Banks and other financial institutions.
- E. Business, professional, and medical office buildings, including offices of a clerical or administrative nature.
- F. Child day care.
- G. Churches with parking in accordance with standards of Chapter [21.18](#) LMC (see LMC [21.46.113](#)).
- H. Municipal services.
- I. Motels and motor hotels (see LMC [21.46.116](#)).
- J. Parking garages and accessory refueling and servicing.
- K. Professional services not mentioned elsewhere in this section.
- L. Public utilities facilities (see LMC [21.46.118](#)).
- M. Radio and television stations, not including transmitting or receiving towers.
- N. Commercial schools, dancing, music, trade, etc.
- O. Retail uses (including restaurants), as permitted in the Community Business (B-1) zone.
- P. Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted use or conditionally permitted use.
- Q. Battery Exchange Station (Electric vehicle), as an accessory use only. (see LMC [21.46.100](#) et seq.)."

**Section 8.** LMC 21.52.120 entitled "Uses allowed by conditional use permit" (Mixed Use/Business Zone) is hereby amended as follows:

**21.52.120 Uses allowed by conditional use permit.**

The following uses are allowed in the Mixed Use/Business zone only by issuance of a conditional use permit:

- A. Retail uses (including restaurants), as conditionally permitted in the Community Business (B-1) zone (see LMC [21.46.100](#) et seq.). Uses that are conditionally permitted in the B-1 zone would require approval of a conditional use permit to locate in this zone. Applications for a conditional use permit will be processed concurrently, at the request of the applicant, pursuant to LMC [1.35.080](#).

- B. Assembly of electronic, high-tech and related enterprises including minor processes such as cutting, drilling, soldering, or minor welding, in spaces or 10,000 square feet or less (inclusive of all aspects of the business).
- C. Laboratories, including experimental, which do not involve the handling of hazardous materials.
- D. Veterinary clinics.
- E. Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted use or conditionally permitted use.
- F. Battery Exchange Station, (Electric vehicle), as a principal use.
- G.

**Section 9.** LMC 21.54.100 entitled "Land Use" (Commercial-Residential Zone) is hereby amended as follows:

**21.54.100 Land use.**

- A. Commercial Uses. Except as specifically stated otherwise in this section, all land uses permitted "by right" in the B-1 (Community Business) zone are permitted "by right" in this zone. All land uses permitted with approval of a conditional use permit in the B-1 (Community Business) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (ref. LMC 21.46.110 through 21.46.119) shall apply in this zone, except as modified by the regulations in this chapter.
- B. Residential Uses. Multi-family residential uses are permitted, provided the multi-family residential use is part of a mixed-use building or is on property that has commercial uses. Multi-family residential development without commercial uses on the property shall not be permitted.
- C. Conditional Uses. Notwithstanding the regulations of the B-1 zone, the following uses are permitted in this zone with approval of a conditional use permit:
  - 1. Convenience store.
  - 2. Drive-in or drive-through window or any other facility that provides service to customers in vehicles.
  - 3. Church.
  - 4. Home improvement stores.
  - 5. Carpeting or floor covering stores.
  - 6. Furniture stores
  - 7. Battery Exchange Station (Electric Vehicle)
- A. Prohibited Uses. Notwithstanding subsections (A) and (B) of this section, the following uses are prohibited in this zone:
  - 1. Vehicle display, sales, rental, repair, washing, or servicing as a principal use except that
    - a. Retail sales of new automobile tires, batteries and other motor vehicle accessories and installation thereof within a completely enclosed building; and
    - b. Retail sales of automobile and recreational vehicle fuels (but without repairs or servicing) when accessory to an otherwise permitted retail use over 50,000 square feet GFA.
  - 2. Gas or service stations as a principal use.
  - 3. Dry cleaning plants.

4. Appliance or small engine repair.
9. Self-service storage or cold storage lockers.
10. Agricultural and horticultural activities (including plant nurseries). Florist shops are permitted.
- 11.

**Section 10.** LMC 21.57.400 entitled “Land Uses” (College District Mixed Use Zone) is hereby amended as follows:

**21.57.400 Land uses.**

- A. Principal Uses Permitted Outright.
  1. College and university buildings, support services and college accessory facilities.
  2. Library.
  3. Public transit facilities.
  4. Conference or community center (college/community meetings and activities).
  5. Tot lot, greenway, vest pocket park, bikeway and other park/open space linkages.
  6. Retail store or service business under 4,000 square feet GFA, including, but not limited to:
    - a. Convenience, drug or variety store;
    - b. Books, magazines, stationery and school supplies;
    - c. Child day-care center (fewer than 13 children);
    - d. Art gallery, art or photo studio, film/photo processing;
    - e. Art supplies store or frame shop;
    - f. Professional services (engineering, legal, medical, financial and similar);
    - g. Business services (bookkeeping, taxes, accounting, management, etc.);
    - h. Computer repair, maintenance and training, and related technical services;
    - i. Personal services (grooming, photo processing, counseling, tutoring, etc.);
    - j. Laundry self-service and pick-up station;
    - k. Shoe repair, tailoring, locksmith and similar personal services.
  7. Movie theater (single-screen at neighborhood scale).
  8. Medical office or clinic (limited services to neighborhood and/or college).
  9. Food and beverage service businesses under 2,000 square feet GFA, including:
    - a. Donut shop, bakery or similar specialty-food outlet;
    - b. Cafe, coffee shop or restaurant;
    - c. Soda fountain, ice cream parlor, candy store;
    - d. Delicatessen or other specialty food store;
    - e. Tavern, brew pub or nightclub.
  10. Multiple-family dwellings:
    - a. Maximum density: 20 units per net acre;
    - b. Minimum density: 12 units per net acre;
    - c. Density may be less than minimum if residential units are combined with other uses in same building or on same lot.
  11. Accessory parking lots and structures. Park-n-ride and park-n-pool facilities are not permitted. Student/faculty parking shall be located west of 68th Avenue.
  12. Electric Vehicle Charging Station, Level 1, Level 2 or Level 3, if accessory to a permitted use or conditionally permitted use.

- B. Principal Uses Allowed by Conditional Use Permit.
1. Tavern, brew pub, club or restaurant that serves alcohol – when within or adjacent to a structure that also contains residences or child care facilities.
  2. Indoor amusements such as arcades, bowling, pool, card rooms, etc.
  3. Athletic club or health spa (indoor facilities only).
  4. Performing arts facility.
  5. Child day-care center (13 or more children) per LMC 21.42.110(D).
  6. Boarding house, dormitory or other group residential facilities suitable for students.
  7. Inn, hotel or similar transient lodging (20 accommodations or less).
  8. Battery Exchange Station (Electric Vehicle), and only if accessory to a permitted or other conditionally permitted use.

**Section 11.** LMC 21.62.200 entitled “Permitted Land Uses” (Highway 99 Mixed Use Zone) is hereby amended as follows:

**21.62.200 Use limitations.**

The following land uses are permitted

A. Principal Uses Permitted Outright.

1. Retail, office, eating/entertainment (including brewpubs, and outdoor dining as an accessory use to and indoor restaurant), professional offices (including medical and vet clinics), institutional and personal service uses are permitted, except as provided below for conditional uses and prohibited uses.
2. Multiple family residences (including Convalescent and Nursing Homes, and Housing for the Elderly and Physically Disabled).
3. Wireless communication facilities
  - a. Facilities attached (to buildings and structures), with no limitations; and
  - b. Freestanding facilities (towers) when designed so that they are not readily identifiable as such, and are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site – sometimes referred to as a “stealth” or camouflaged” facility. Examples of concealed support structures that can have a secondary, obvious function include, but are not limited to the following: church steeples, bell towers, clock towers, cupolas, light standards, utility poles, flagpoles, or trees.
  - c. Freestanding facilities existing on the effective date of this Chapter are a permitted use.
4. Transit stops/stations, not including park-and-ride, park-and-pool, or other transit-related parking areas.
5. Senior center or community center.
6. Day-care (for children or adults).
7. Boarding house, dormitory or other group residential facility suitable for students.
8. Inn or hotel, provided that parking for any rooms in excess of 100 rooms shall be located in a parking structure.
9. Auto/vehicle dealership (new and/or used vehicles) and vehicle service company, whether a building intended for occupancy by these uses is vacant (structures with a history of housing these uses) or in use, at the time of adoption of this chapter,

may expand the business to other parts of the property in existence at the time of this ordinance, but may not expand to adjoining parcels. Provided that , a use that is absent from a property and/or the property is used for other purposes for a continuous period of seven years shall not be allowed to reestablish itself as a dealership or vehicle service company.

10. Drive-up or drive-through service and/or drive-through window subject to the following requirements:
  - a. No component of the drive-through (such as approaching drive aisle, order box, service window, etc.) shall be located between the building it serves and a public street unless another intervening building(s) or building screening (walls and roof) exists between the drive-through land street that blocks visibility of the drive through from the street; and
  - b. No more than two drive-through lanes (plus a by-pass lane, where necessary) shall be permitted for the specific business being served by the drive through lane
  - c. Access to the drive-through shall be provided only from a project parking area; direct access to a drive-through from a project entry aisle or from a public street is not allowed.
  - d. Any/all service windows within 150 feet of a public street may only be located on a building wall that sits at an angle of at least 90 degrees to the public street.
  - e. See also LMC 21.18.810 (Stacking Lanes for Drive-Through Facilities).
11. Indoor amusements such as arcades, bowling, pool halls, etc.
12. Auto parts and accessory stores with no service/installation work on the premises.
13. Health & Fitness Club
14. Electric Vehicle Charging Station, Level 1, Level 2 or Level 3.
- B. Principal Uses Allowed by Conditional Use Permit.
  1. Performing arts facility.
- C. Allowed Accessory Uses. Uses that meet the definition “accessory” in this Code shall be permitted, except that a new accessory use may not be established at a site with a non-conforming use.

**Section 12.** A new Section 21.18.930 entitled Electric Vehicle Parking is added to the Lynnwood Municipal Code as follows:

**21.18.930 Electric Vehicle Parking**

- A. General. Electric vehicles may be parked in any space designated for public parking, regardless of whether or not the parking space has electric vehicle charging capabilities.
- B. Electric Vehicle Charging Station Space.
  1. Use. Electric vehicle charging station spaces shall be reserved for parking and charging electric vehicles only during times the charging space is made available solely for that purpose (see LMC 21.18.930(4)(a)) below for sign provisions if the charging station has time limitations for its use).
  2. Number. There is no minimum required number of charging station spaces.
  3. Size. Where provided, spaces shall be standard (e.g. not compact) size stalls.

4. Location and Design Criteria. Where provided, electric vehicle charging station spaces shall include the following:
  - a. Signage. Each charging station space shall be posted with signage indicating the space is for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
  - b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting malfunctioning equipment or other problems. Spaces no longer used for electric vehicle charging shall have the electric vehicle infrastructure removed.
  - c. Accessibility. Charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
  - d. Signs for electric vehicle parking shall be consistent with the Manual for Uniform Control Devices (MUTCD).
4. Fee. No electrical permit fee shall be charge for Level 1 and Level 2 facilities.

**Section 13.** LMC 17.02.230 is hereby amended as follows:

**“17.02.230 Adoption by reference (WAC 173-806-180).**

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-080, Use of Exemptions, and 173-806-190, Environmentally Sensitive Areas:

WAC

197-11-800 Categorical Exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to Change Exemptions.

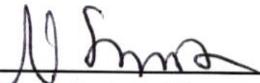
RCW 43.21C.410 Battery charging and exchange station installation.

**Section 14.** 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.

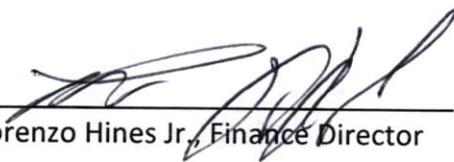
**Section 15.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED THIS 24<sup>th</sup> day of March, 2014, and signed in authentication of its passage this \_\_\_\_\_ day of March, 2014.

APPROVED:

  
\_\_\_\_\_  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:

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

FILED WITH ADMINISTRATIVE SERVICES: 03/19/2014  
PASSED BY THE CITY COUNCIL: 03/24/2014  
PUBLISHED: 03/28/2014  
EFFECTIVE DATE: 04/02/2014  
ORDINANCE NUMBER: 3047



On the 24<sup>th</sup> day of March, 2014 the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3047. A summary of the content of said ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3047**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING NEW SECTIONS 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930 TO THE LYNNWOOD MUNICIPAL CODE, RENUMBERING LMC 21.02.210 TO LMC 21.02.208, AND AMENDING LMC 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100, 21.52.100, 21.52.120, 21.54.100, 21.57.400, 21.62.200, AND 17.02.230 FOR THE PURPOSES OF COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

DATED this 2<sup>nd</sup> day of April, 2014.

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



**LYNNWOOD**  
WASHINGTON

## **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. 3047 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3047**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADDING NEW SECTIONS 21.02.081, 21.02.082, 21.02.209, 21.02.304, 21.02.308, 21.02.312, 21.02.316, 21.02.593 AND 21.18.930 TO THE LYNNWOOD MUNICIPAL CODE, RENUMBERING LMC 21.02.210 TO LMC 21.02.208, AND AMENDING LMC 21.42.400, 21.43.400, 21.44.100, 21.46.100, 21.50.100, 21.52.100, 21.52.120, 21.54.100, 21.57.400, 21.62.200, AND 17.02.230 FOR THE PURPOSES OF COMPLIANCE WITH 2SHB 1481 AND THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on March 24, 2014 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 April 2, 2014.

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