



ORDINANCE NO. 3127

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SHIPPING CONTAINERS AS ACCESSORY STRUCTURES IN RESIDENTIAL ZONES, AMENDING CHAPTER 21.02 LYNNWOOD MUNICIPAL CODE (LMC), LMC 21.42.400, AND LMC 21.43.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public's general health, safety, and welfare; and

WHEREAS, the City Council finds these provisions are in the best interest of the health, safety and welfare of the community; and

WHEREAS, the City Council finds that the use of shipping containers as accessory structures in residential zones is inconsistent with City policies and regulations that promote compatibility between and amongst residential properties; and

WHEREAS, on the 20th day of November, 2014, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the 5th day of February, 2015, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 26th day of February, 2015, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

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

WHEREAS, on the 11th day of May, 2015, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; now, therefore:

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

Section 1. Findings. Upon consideration of the provisions of this Ordinance in light of the decision criteria specified by LMC 21.20.500, 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) not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

Section 2. Amendment. Chapter 21.02 LMC is hereby amended by adding the following definition for "Shipping Container", and codifying such definition in a manner that maintains alphabetical order, with a subsequent renumbering of LMC 21.02.664 – 830.

21.02.664 Shipping Container.

"Shipping Container", "Intermodal Shipping Container" or "Freight Container" means a standardized, reusable box constructed of corrugated steel (with a wood floor), used to store and move materials and products using the global containerized intermodal transport system. Such containers are designed according to ISO standards for transport by ship, rail and truck, utilizing the twistlock fastener system at each of the containers' eight corners. Intermodal shipping containers commonly have a width of 8 feet and a standard height of either 8 feet or 9.5 feet. Container length varies from 8 feet to 56 feet. This definition includes structures designed and constructed to replicate the appearance of a shipping container.

Section 3. Amendment. LMC 21.42.400 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 and Miniature Goats.** The keeping of livestock (except chickens and miniature goats; see subsections (C)(3) and (C)(4) of this section) 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 and goats, below. An accessory building for the housing of small animals or fowl (except chickens, see below) 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.
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 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 square feet per chicken.

ii. The outdoor pen (a ground level roaming area) shall be a minimum of eight 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 an adjacent residence shall be sight obscuring through the use of a solid fence.

v. Electricity 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 premises. Infected chickens with diseases harmful to humans shall be removed.

4. Goats. The keeping of miniature goats for personal use of the household (no commercial uses) shall be permitted subject to the following:

a. Miniature breeds of goats include the following: pygmy, Nigerian dwarf and pygora or similar breeds (based on height and weight). Adult goats shall not exceed 30 inches measured from the withers or weigh more than 100 pounds. The wither is the ridge between the shoulder blades of the goat.

b. A maximum of three miniature goats may be kept per lot associated with a minimum of 7,200 square foot lot area of a single-family residential dwelling unit. Nursing offspring may be kept until weaned, no longer than 12 weeks after birth.

c. Male goats must be neutered.

d. All goats must be dehorned.

e. 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 goats from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor nuisances, and must be kept in a clean and well maintained condition at all times.

i. The shelter shall provide walls, a roof and a door.

ii. 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 an adjacent residence shall be sight obscuring through the use of a solid fence.

iii. Electricity provided to the shelter will require an electrical building permit.

iv. No confinement area shall be located within a critical (sensitive) area or their buffers.

f. Goats shall not be slaughtered on premises.

g. Goats over 12 weeks old shall be annually licensed per the current fee schedules adopted for dogs in the city of Lynnwood.

5. The keeping of mink, goats (with the exception of miniature breeds permitted under subsection (C)(4) of this section), 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.

F. Shipping Container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones.

Section 4. Amendment. LMC 21.43.400 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.

G. Shipping Container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED THIS 11th day of May, 2015, and signed in authentication of its passage this 18th day of May, 2015

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Art Ceniza, Acting as Finance Director
And City Clerk

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 05/12/2015
PASSED BY THE CITY COUNCIL: 05/11/2015
PUBLISHED: 05/14/2015
EFFECTIVE DATE: 05/19/2015
ORDINANCE NUMBER: 3127

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Deb Grigg being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH632642 ORDINANCE 3127 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/14/2015 and ending on 05/14/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$30.46.

Deb Grigg

Subscribed and sworn before me on this

15 day of May,
2015.

Aubrey Knapp

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBER

Public Notices

LYNNWOOD
WASHINGTON

CITY OF LYNNWOOD

On the, 11th day of May, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3127. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3127

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO SHIPPING CONTAINERS AS ACCESSORY STRUCTURES IN RESIDENTIAL ZONES, AMENDING CHAPTER 21.02 LYNNWOOD MUNICIPAL CODE (LMC) 21.42.400 AND LMC 21.43.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.
DATED this 14th day of May, 2015.

Debbie Karber, Deputy City Clerk
EDH632642

Published: May 14, 2015.

AUBREY KNAPP
Notary Public
State of Washington
My Commission Expires
July 30, 2018

