



ORDINANCE NO. 3192

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 19.35.010B, ADDING A NEW DEFINITION TO CHAPTER 21.02 LMC, AMENDING LMC 21.02.150, 21.10.100, 21.16.320A, 21.60.100C AND 21.60.400, 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 appropriate to amend the City's land use and development regulations in order to improve efficiency and draft effective application of legislation enacted by Ordinance by the City Council; and

WHEREAS, on the 7th day of March, 2016, 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 17th day of April, 2016, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 14th day of April, 2016, 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 9th day of May, 2016, 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;

45 WHEREAS, the City Council finds the provisions of this Ordinance to be in the best
46 interest of the health, safety and welfare of the community; now, therefore
47

48
49 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS
50 FOLLOWS:
51

52 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City Council
53 finds that the amendments contained herein are: a) consistent with the comprehensive plan;
54 and b) substantially related to the public health, safety, or welfare; and c) not contrary to the
55 best interest of the citizens and property owners of the city of Lynnwood.
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57 **Section 2. Amendment.** LMC 19.35.010B is hereby amended to read as follows:

58 B. Blocks shall meet the following requirements:

59 1. The length of blocks shall not exceed 1,320 feet;

60 2. In any block exceeding 500 feet in length, walks or pedestrian ways at a mid-block
61 point shall be required in order to encourage walking in between residential subdivisions.
62 Pedestrian walkways may be required to provide circulations or access to school, playgrounds,
63 shopping centers, etc. The walks or pedestrian ways shall be provided in a public easement of
64 which shall be at least 10 feet in width and designed to the specifications of the public works
65 director;

66 3. Lots and blocks intended for commercial and industrial use shall be designed
67 specifically for such purposes, with adequate space provided for off-street parking, loading, and
68 delivery. In order to assist review of the proposed development, the hearing examiner may
69 require a preliminary site plan, a preliminary floor plan, or a preliminary landscaping plan to
70 ensure that the platted area is adequate and will not create a need for future variances;

71 4. The hearing examiner may grant an exception to the requirements of this subsection
72 if it finds that complying with these requirements would result in improvement traffic calming
73 and/or pedestrian circulation.
74

75 **Section 3. Amendment.** LMC 21.02.150 is hereby amended to read as follows:

76 **LMC 21.02.150 Building line.** "Building line" means a line, established by law, measured from
77 the right-of-way or from an abutting property line, beyond which a building or structure shall
78 not extend, except for cornices, eaves, gutters, chimneys, bay or garden windows, ornamental
79 features or similar structures projecting not more than two feet, or open patios or decks not
80 exceeding three feet in height above the average grade. When two different standards apply to
81 front, rear or side setbacks, the more restrictive setback shall be applied.
82

83 **Section 4. Amendment.** Chapter 21.02 LMC is hereby amended by adding the following
84 definition for "Floor Area Ratio", creating a new LMC 21.02.350 as follows:
85

86 **LMC 21.02.350 Floor Area Ratio.**

87 "Floor area ratio (FAR)" means the gross floor area of all buildings or structures on a lot divided
88 by the total lot area. For example, a 5,000 square foot building on a 5,000 square foot lot has a
89 floor area ratio of 1.0 or 100% while the same building on a 10,000 square foot lot would have a
90 FAR of .50 or 50%. The FAR is used in calculating the building intensity of a development
91 project.

92

93 **Section 5. Amendment.** LMC 21.10.100 is hereby amended to read as follows:

94 **21.10.100 Fence and hedge standards.**

95 The following regulations shall apply to all fences, hedges, and other vision-obscuring
96 structures:

97 A. Height and Composition of Fences and Hedges, and General Standards.

98 1. Vision-Obscuring Fences and Hedges. "Vision-obscuring fences and hedges"
99 shall mean solid or partially open fences and hedges more than three feet in height, but not
100 exceeding six feet in height or eight feet in height with an attached adornment (i.e. arbor,
101 trellis, or other decorative features attached on the top of a fence) in residential-zoned areas
102 and not exceeding eight feet in height in commercial-zoned areas. Maximum height shall be
103 measured from the elevation of the ground adjacent to the fence or hedge on the higher side.

104 2. Non-Vision-Obscuring Fences and Hedges. "Non-vision-obscuring fences and
105 hedges" shall include solid or partially open fences and hedges not exceeding three feet in
106 height, and open fences not exceeding six feet in height or eight feet in height with an attached
107 adornment in residential zones and eight feet in height in commercial zones. "Open fences"
108 shall mean those fences consisting of open chain link, widely spaced board rails or other
109 materials which provide adequate driver visibility through the fence. Rail fences shall consist of
110 horizontal rails not more than four inches wide and at least one foot between rail edges.
111 Deviation from horizontal rails and from these dimensions may be allowed, providing the
112 applicant can demonstrate to the satisfaction of the appropriate city officials that such
113 deviation will provide at least as much visibility through the fence. Maximum height shall be
114 measured from the elevation of the ground adjacent to the fence on the higher side; however,
115 within sight distance triangles (see subsections (B)(1)(b) and (B)(1)(c) of this section) maximum
116 height of solid or partially open fences and hedges not exceeding three feet shall be measured
117 from the elevation of the street adjacent to such sight distance triangle.

118 3. Maintenance. All fences and hedges shall be maintained in a condition of repair
119 so as not to be dangerous to human life or a danger to the property.

120 4. Conflicting Limitations. Where the limitations of this chapter conflict with site-
121 screening or fencing required by this or other city ordinances, requirements relating to the site-
122 screening and other required fences shall apply, subject only to adequate provisions for driver
123 visibility.

124 5. Continuous Fencing Along Streets. Where continuous fencing along a street
125 between intersections is allowed due to the length and/or number of side and/or rear lot lines
126 abutting that street, landscaping shall be required between the fence and the property line in
127 order to mitigate the adverse aesthetic impacts of such fencing. Where such landscaping is

128 required, the fence may be built along the property line except for offset sections to contain
129 the landscaping.

130 Such landscaping shall consist of ornamental landscaping of low plantings and high plantings.
131 The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other
132 species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a
133 height of six feet where necessary to prevent vision obstruction. Low evergreen plantings or a
134 mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark
135 or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

136 B. Location of Fences and Hedges.

137 1. Residential Zones. Non-vision-obscuring fences and hedges may be located on
138 any portion of a residential-zoned lot. Vision-obscuring fences and hedges may be located on
139 portions of a residential-zoned lot other than the following:

- 140 a. Within 15 feet of the front lot line.
- 141 b. Within a triangular area at street intersections. Such "intersection sight distance
142 triangle" is defined as having two sides of 30 feet, measured along the property lines
143 from the property corner at the street intersection, and a third side connecting the
144 ends of the two aforementioned sides.
- 145 c. Within a triangular area adjacent on one side to a street, and on a second side to a
146 property having frontage on and requiring access from that street. Such "driveway
147 sight distance triangle" is defined as having two sides of 15 feet measured along the
148 property lines from the property corner common to the subject and adjacent
149 property, and a third side connecting the end points on the two aforementioned
150 sides. If any adjacent lot is undeveloped, it shall be construed as having access from
151 all adjacent streets until the direction of access has been established, either by
152 development or by waiver of right of direct access as per RCW 58.17.165.
- 153 d. However, fences, walls and hedges between three and six feet in height or fences up
154 to eight feet in height with an attached adornment that comply with applicable
155 design guidelines may be located in any portion of a multiple-family residential-
156 zoned lot as long as they are not located within intersection and driveway sight
157 distance triangles, do not obstruct driver and pedestrian visibility, comply with
158 applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC
159 21.25.145(B)(3), and are approved through project design review (Chapter 21.25
160 LMC).

161 2. Commercial Zones. In commercial zones, vision-obscuring or non-vision-obscuring
162 fences or hedges up to eight feet in height may be located on side and rear property lines and
163 within side and rear yards, but not nearer to any public street than a point equal to the closest
164 part of any building thereon to that street.

165 However, fences, walls and hedges up to six feet high that comply with applicable design
166 guidelines may be located in any portion of a commercial-zoned lot as long as they are not
167 located within intersection and driveway sight distance triangles, do not obstruct driver and
168 pedestrian visibility, comply with applicable Lynnwood Citywide Design Guidelines, as adopted
169 by reference in LMC 21.25.145(B)(3), and are approved through project design review (Chapter
170 21.25 LMC).

171 C. Referrals to Hearing Examiner. Any fence or wall approved through project design review
 172 (Chapter 21.25 LMC) does not have to be approved by the hearing examiner. The hearing
 173 examiner may review applications for fence permits in the following situations:

- 174 1. Appeal. As an appeal of an administrative determination when:
 175 a. An applicant proposes a fence which he/she believes meets the stated purpose of
 176 this section, but does not strictly conform to the regulations;
 177 b. City staff believes that a proposed fence, while meeting regulations, may still
 178 obstruct visibility to such an extent that hazardous conditions would exist; or
 179 c. There is a disagreement between staff and an applicant regarding interpretation of
 180 the fence and hedge regulations.

181 In such cases, the hearing examiner may stipulate standards for fence composition, height, and
 182 location.

- 183 2. Variance. As a variance, when an applicant believes the regulations of this chapter cause
 184 hardship.

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 186 **Section 6. Amendment.** LMC 21.16.320A is hereby amended to read as follows:

187 **21.16.320 Signs in the planned regional shopping center zone.**

188 The following signs are permitted, subject to the following limitations:

- 189 A. Monument, Pole and Ground Signs. Monument, pole and ground signs are permitted;
 190 however, the number shall not exceed the number of public streets abutting the property.
 191 Such signs shall be subject to the setback, sign area and height regulations of LMC
 192 21.16.310.

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 194 **Section 7. Amendment.** LMC 21.60.100C is hereby amended to read as follows:

- 195 C. "Floor area ratio" or "FAR" means-the gross floor area of all buildings or structures on a lot
 196 divided by the total lot area. For example, a 5,000 square foot building on a 5,000 square
 197 foot lot has a floor area ratio of 1.0 or 100% while the same building on a 10,000 square
 198 foot lot would have a FAR of .50 or 50%. The FAR is used in calculating the building intensity
 199 of a development project.

200
 201 **Section 8. Amendment.** Table 21.60.01 in LMC 21.60.400 is hereby amended to read as
 202 follows:

203
 204 Table 21.60.01: Floor Area Ratio (FAR)

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable "as of right" for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR "as of right"	Nonresidential	2.0	2.0	2.0

Maximum FAR		District		
		CC-C	CC-W	CC-N
for new development	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

205 **Notes:**

- 206 a. Floor area ratio is measured to the inside face of the exterior walls.
- 207 b. The following uses shall be excluded from floor area calculation:
- 208 • Space underground (e.g. basements); space dedicated to parking;
 - 209 • Floor area devoted to rainwater collection;
 - 210 • Floor area devoted to gray water collection/storage/distribution;
 - 211 • Floor area devoted to waste recovery/separation;
 - 212 • Floor area devoted to service areas;
 - 213 • Balconies, patios, breezeways and decks without a solid cover;
 - 214 • Air spaces within buildings such as vaulted ceilings. More specifically, the floor
 - 215 area shall be counted as actual floor area only and not in the air spaces above;
 - 216 • Space used as FAR bonus feature (see Table 21.60.2)
- 217 c. Privately owned land area for the Promenade Walkway
- 218 d. Allowable FAR for nonresidential and residential uses shall be added together for the
- 219 respective use types within a mixed use residential project, to provide for a
- 220 combined FAR total.
- 221 e. Hotels shall be considered nonresidential for the purpose of this chart.
- 222 f. In situations where both conforming and nonconforming development are located
- 223 on a site, the maximum FAR for conforming and nonconforming development may
- 224 be combined, but each shall be limited to their respective FAR per Table 21.60.01.
- 225 (For example, without bonus features, conforming development FAR maximum is
- 226 2.0; nonconforming FAR maximum is 0.5. Conforming development on the site may
- 227 have a maximum FAR of 2.0; nonconforming maximum FAR of 0.5).

228

229 **Section 9. Severability.** If any section, sentence, clause or phrase of this ordinance should be

230 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

231 unconstitutionality shall not affect the validity or constitutionality of any other section,

232 sentence, clause or phrase of this ordinance.

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234 **Section 10. Effective Date.** This ordinance or a summary thereof consisting of the title shall be

235 published in the official newspaper of the City, and shall take effect and be in full force five (5)

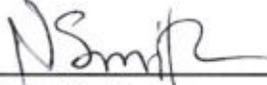
236 days after publication.

237

238 PASSED BY THE CITY COUNCIL, the 9th day of May, 2016, and signed in authentication of its
239 passage this 10th day of May, 2016.

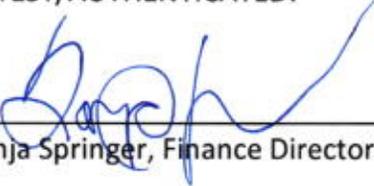
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APPROVED:



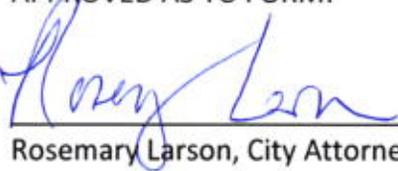
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

278 FILED WITH ADMINISTRATIVE SERVICES: 05/10/2016
279 PASSED BY THE CITY COUNCIL: 05/09/2016
280 PUBLISHED: 05/12/2016
281 EFFECTIVE DATE: 05/17/2016
282 ORDINANCE NUMBER: 3192



On the, 9th day of May, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3192. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3192

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 19.35.010B, ADDING A NEW DEFINITION TO CHAPTER 21.02 LMC, AMENDING LMC 21.02.150, 21.10.100, 21.16.320A, 21.60.100C AND 21.60.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

A handwritten signature in blue ink that reads 'D. Karber' is written over a horizontal line.

Debbie Karber, Deputy City Clerk

DATED this 12th day of May, 2016.

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis 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 EDH697790 PUBLIC HEARING 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 05/06/2016 and ending on 05/06/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$31.84.

Kathleen Landis

Subscribed and sworn before me on this

6 day of May,
2016

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER

Public Notices

LYNNWOOD
WASHINGTON

CITY OF LYNNWOOD
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Lynnwood will hold a public hearing in the Council Chambers, Lynnwood Civic Center, 19100 44th Avenue West, Lynnwood Washington at 7:00 P.M. on Monday, May 23, 2016, for the purpose to take public comment and testimony on UPDATES TO THE CRITICAL AREAS REGULATIONS, LYNNWOOD MUNICIPAL CODE CHAPTER 17.10.

Parking and meeting rooms are accessible for persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend the Public Hearing.

For questions or additional information, contact Environmental and Surface Water Supervisor Jared Bond, (425) 670-5207 or visit the City's Website at www.ci.lynnwood.wa.us/criticalareas.

Published: May 6, 2016. EDH697790

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Debra Karber, the duly appointed Deputy 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. 3192 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3192

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LMC 19.35.010B, ADDING A NEW DEFINITION TO CHAPTER 21.02 LMC, AMENDING LMC 21.02.150, 21.10.100, 21.16.320A, 21.60.100C AND 21.60.400, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on May 9, 2016 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 May 12, 2016.

Debra Karber, Deputy City Clerk