



ORDINANCE NO. 3217

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the City desires to encourage development, including partnerships, in the Public and Semi-Public Zones; and

WHEREAS, the City desires to amend the City code to provide more inclusive uses in the Public and Semi-Public Zones while eliminating uses that are not consistent with the intent of those zones; and

WHEREAS, on July 7, 2016, the Community Development Director, acting as Lynnwood’s State Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this draft Ordinance; and

WHEREAS, on June 9, 2016, the proposed Ordinance and the map amendments were submitted for the required state agency review under RCW 36.70A.106, agencies were asked to comment prior to final action by the City Council, and no comments were received; and

WHEREAS, on July 14, 2016, the Planning Commission held a public hearing on the proposed amendments to be reflected in the Comprehensive Plan and zoning mapping amendments and recommended them for approval by the City Council; and

WHEREAS, on September 26, 2016, the City Council held a public hearing on this draft zoning Ordinance; and

WHEREAS, the City Council after due consideration finds that the regulations contained in this Ordinance are consistent with and implement the City’s Comprehensive Plan, and are consistent with applicable state law, and will benefit the public health, safety and general welfare;

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

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39 FOLLOWS:

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41 **Section 1.** Section 21.44.050, entitled "Purpose," of the Lynnwood Municipal Code, is amended
42 to read as follows.
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44 **21.44.050 Purpose.**

45 This classification is intended to provide for nonresidential uses of a public or
46 quasi-public nature to be located in or near residential areas and to establish standards
47 which will minimize the impact of the nonresidential use on nearby properties.
48 Whereas, nonresidential uses are ordinarily prohibited in single-family residential zones
49 in the public interest, it is the intent of this classification that instead of such
50 nonresidential uses being excluded the public interest will be best served by
51 development standards which minimize or eliminate completely any undesirable effects
52 of the non-residential uses on existing homes. Also, it is intended that the provisions of
53 this chapter will prevent future development in the area from being influenced towards
54 a type of development contrary to that shown on the adopted comprehensive plan,
55 with the result that the residential character will be preserved in the neighborhoods
56 where this zone is established. Development in this zone may be undertaken through
57 the actions of private or public entities or through a collaborative venture.
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59 **Section 2.** Section 21.44.100, entitled "Uses allowed," of the Lynnwood Municipal Code, is
60 amended to read as follows.
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62 **21.44.100 Uses Allowed**

- 63 A. Permitted Uses (and accessory uses as determined by the Community
64 Development Director).
- 65 1. Residential Uses. All uses which are permitted in the RS-8 single-
66 family residential zone are permitted.
 - 67 2. Institutional Uses. The following uses are permitted, subject to
68 the standards of this chapter:
 - 69 a. Churches;
 - 70 b. Private or semiprivate memorial buildings;
 - 71 c. Community clubhouses, convention centers, public golf
72 courses, and accessory uses;
 - 73 d. Art galleries, libraries, and museums;
 - 74 e. Private and public schools, universities and colleges;
 - 75 f. Child day care;
 - 76 g. Public parks, playgrounds, and schools;
 - 77 h. Municipal buildings, including fire stations, and
78 performance arts facilities;
 - 79 i. Clubs or fraternal societies;
 - 80 j. Transit center;
 - 81 k. Park-and-ride lots; and
 - 82 l. Existing wastewater treatment plant.

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- B. Conditional Uses.
 - 1. All uses permitted through the issuance of a conditional use permit in the RS-8 zone, except as amended by this section;
 - 2. Charitable, nonprofit or social service organizations other than those uses specifically allowed as a permitted use;
 - 3. Medical facilities, including hospitals, convalescent homes and medical or dental clinics; and
 - 4. Expansion or major alteration of an existing wastewater treatment plant.

- C. Factors for Consideration for Proposed Conditional Uses. In considering any condition use permit application, the hearing examiner shall consider all factors relevant to the public interest including, but not limited to:
 - 1. Consistency of the proposal with the comprehensive plan and wit the purpose of the P-1 zone as stated in LMC 21.44.050, especially discouraging activities of a commercial or industrial nature, whether public or private;
 - 2. Impact of the proposal on the visual and aesthetic character of the neighborhood;
 - 3. Impact of the proposal on the distribution, density or growth rate of the population in the neighborhood;
 - 4. Orientation of facilities to developed or undeveloped residential areas;
 - 5. Preservation of natural vegetation and other natural features;
 - 6. Hours of operation;
 - 7. Ability to provide adequate on-site parking;
 - 8. Traffic impacts of the proposal on the neighborhood; and
 - 9. Conformance of the proposal with the city noise ordinance, Chapter 10.12. LMC.

Whenever the proposed use involved occupying a partially or totally vacant school, the applicant must demonstrate that the proposed use will have no greater impacts than the use for which the facility was first designed.

- D. Exemption from Conditional Use Permit Application Process. Some limited expansion of uses and structures of existing uses at the Lynnwood wastewater treatment plant may be approved for exemption from the conditional use permit process by the community development director if the proposed alteration meets the following criteria:
 - 1. The alteration does not expand the treatment capacity of the plant.

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2. The alteration does not result in a significant increase in noise, odor, traffic, or visual impact.
3. Any proposal to add accessory structures does not result in the addition of more than 500 square feet of building coverage.

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 4. 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 26th day of September, 2016 and sign in authentication of its passage this 28th day of September, 2016.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES:	09/12/2016
PASSED BY THE CITY COUNCIL:	09/26/2016
PUBLISHED:	09/30/2016
EFFECTIVE DATE:	10/05/2016
ORDINANCE NUMBER:	3217



On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3217. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3217

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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



Debbie Karber, Deputy City Clerk

DATED this 30th day of September, 2016.

Affidavit of Publication

State of Washington }
County of Snohomish }

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 EDH724566 ORD. 3216-3224 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 09/30/2016 and ending on 09/30/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$107.74.

Kathleen Landis (handwritten signature)

Subscribed and sworn before me on this 30 day of Sept 2014.

Debra Ann Grigg (handwritten signature)

Notary Public in and for the State of Washington.



On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3216 through 3224. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3216 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3217 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3218 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, APPROVING AMENDMENTS TO THE CITY OF LYNNWOOD COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SUBMISSION TO THE STATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3219 AN ORDINANCE OF THE City of Lynnwood, Washington, AMENDING THE CITY'S OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3220 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S WASTEWATER PRETREATMENT REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3221 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3222 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3223 AN ORDINANCE AMENDING THE RATES AND FEES CHARGED FOR WATER, SEWER, AND SURFACE WATER SERVICES; AMENDING UTILITY SERVICE REGULATIONS; AMENDING SECTIONS 13.20.010, 13.20.080, 13.34.030, 13.34.060, 13.35.070, 14.40.035, AND 14.40.040; AND REPEALING SECTION 13.20.085 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3224 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3212, ESTABLISHING FUNDING FOR THE 196TH STREET SW IMPROVEMENT PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 316; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request. DATED this 30th day of September, 2016.

Debbie Karber, Deputy City Clerk Published: September 30, 2016. EDH724566

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. 3217 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3217

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on September 26, 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 September 30, 2016.

Debra Karber, Deputy City Clerk