

1
2 **CITY OF LYNNWOOD**

3
4 **ORDINANCE NO. 2937**
5

6 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
7 AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE NO.
8 2627, AMENDING LMC SECTIONS 21.02.715, 21.60.075, 21.60.100,
9 21.60.200, 21.60.300, 21.60.400, 21.60.500, 21.60.600, 21.60.700,
10 21.60.800, ADDING A NEW SECTION 21.60.475 AND AMENDING
11 THE CITY CENTER DESIGN GUIDELINES AND PROVIDING FOR
12 SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY
13 PUBLICATION

14 WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the
15 State of Washington; and,

16 WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances
17 of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

18 WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553
19 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan;
20 and, WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554 adopting
21 zoning regulations and design guidelines for the Lynnwood City Center, adding a new chapter to
22 Lynnwood Municipal Code Title 21; and,

23 WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625 amending
24 Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned sites of public
25 streets and parks/plaza in the City Center; and,

26 WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627
27 establishing a street grid protection ordinance for the City Center Sub-Area; and,
28

29 WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for parks/plazas in the
30 City Center; and,
31

32 WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center parks as
33 general, and not specific, evidenced by statements in the City Center Sub-Area Plan that the location of
34 the Town Square park in the Core "should be roughly in the center" and CCPS #3 "...These parks and
35 public spaces, or their spatial or functional equivalent, shall be provided as new development occurs in
36 the City Center"; and,
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38 WHEREAS, the City of Lynnwood zoning code (LMC section 21.60.600 entitled "Design
39 Review"), provides for specific locations of the City Center parks requiring that development demonstrate
40 consistency and compatibility with the planned location of City Center parks and plazas, the location of
41 which are described in detail in that section (21.60.600); and,
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43 WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid
44 system in the City Center to break down superblocks and encourage a more pedestrian friendly
45 environment; and,
46

47 WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a
48 regulatory mechanism to require the dedication of public right of way to implement a finer City Center

49 grid street system and to also provide for the acquisition of public right-of-way for streets that will serve
50 to mitigate City Center transportation impacts; and,

51
52 WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has
53 conducted studies (“Lynnwood City Center Access Study” Pertee Engineering., September 2007 and
54 “Lynnwood City Center Street Master Plan” David Evans and Associates, Inc., December 2009) to
55 further analyze the City Center Street system and, the optimal location of the proposed street grid, to
56 refine the transportation network and to identify improvement needs for the City Center with specific
57 attention to analysis of the secondary street network and transportation improvements necessary to
58 mitigate transportation impacts; and,

59
60 WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary
61 streets (42nd Avenue W. and 194th Street SW extension) were “system improvements”, both needed to
62 mitigate capacity within the City Center, and that the remainder of the new secondary streets (e.g. 41st
63 Avenue W. 43rd Avenue W. etc.) are identified as “project improvements” and are not necessary to
64 mitigate transportation capacity needs for the City Center; and,

65
66 WHEREAS, based on the conclusions of the above referenced studies, the City finds that the
67 current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than
68 necessary to achieve the purpose of ensuring transportation mitigation than what was originally
69 envisioned when the City Center Plan was adopted; and,

70
71 WHEREAS, with the passage of time since the adoption of the City Center zoning code,
72 amendments to the code have been identified to better implement the intent of the City Center Sub-Area
73 Plan; and,

74
75 WHEREAS, factors influencing the preparation of amendments to City Center development
76 regulations include recognition of the need to be responsive to the change in market conditions brought on
77 by the “Great Recession” by offering more flexibility, findings of studies conducted since the time of the
78 adoption of the City Center Sub-Area Plan, and the identification of opportunities to increase code clarity
79 and predictability of the regulations; and,

80
81 WHEREAS, on June 7, 2011 the proposed amendments were received by the Washington State
82 Department of Commerce for State agency review in accordance with RCW 36.70A.106 with no
83 comments having been received; and,

84
85 WHEREAS, the City of Lynnwood Planning Commission held a duly noticed public hearing on
86 June 9, 2011, which was continued to July 14, 2011 and then further continued to September 8, 2011; and

87
88 WHEREAS, the City of Lynnwood Planning Commission determined that the Hearing
89 Continuations were appropriate to allow for further public outreach including informational meetings held
90 on June 16, 2011 and June 29, 2011 as well as meetings with individual property owners that requested
91 further meetings; and

92
93 WHEREAS, following the public hearing and considering the testimony, the City of Lynnwood
94 Planning Commission made a recommendation to City Council; and

95
96 WHEREAS, the City Council held a duly noticed public hearing on February 13, 2012

97
98 WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that
99 the zoning ordinance and other implementing development regulations provide the level of predictability,
100 certainty and consistency needed for redevelopment of the City Center by all property owners, businesses,
101 citizens; and,

103 WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood zoning
104 code, City Center Design Guidelines, and Ordinance No. 2627; and,
105

106 WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare
107 to adopt this ordinance, now therefore,

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

110 **Section 1.** Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is
111 hereby amended as follows:
112

113 “Section 1. The following new streets shall be located in the City Center Sub-Area:
114

115 The proposed new streets in the City Center would follow centerlines defined
116 approximately as follows. Such streets may deviate pursuant to the determination of the
117 Public Works Director from the centerlines described below, to take best advantage of
118 physical conditions in the field and to coordinate with legal parcel boundaries.
119

120
121 **42nd Avenue W** would run generally in a straight line aligned parallel to existing 44th
122 Avenue W, from existing 200th Street SW to existing 194th Place SW. The centerline
123 would cross existing 194th Street SW approximately 680 feet east of the centerline of
124 existing 44th Avenue W.
125

126
127 **194th Street SW Extension** would follow a meandering line proceeding from a point of
128 beginning located on the centerline of existing 194th Street SW approximately 140 feet
129 west of the centerline of existing 40th Avenue W, then bearing generally east-
130 northeasterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately
131 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route
132 would continue east-southeasterly approximately 78 feet, then east approximately 956
133 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W
134 approximately 220 feet north of the point of beginning.
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136
137 **Section 2.** Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is
138 hereby amended as follows
139

140 “Section 2. All development shall dedicate right of way for streets designated herein, and
141 shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by
142 the Public Works Director. The Public Works Director may make a determination to waive or
143 modify the extent of the dedication to ensure that the extent of the dedication, if any, is
144 roughly proportional to the project impacts. The Public Works Director shall also have the
145 authority to waive the requirement for right of way dedication for the streets designated
146 herein and/or approve modified alignments if the Public Works Director finds that such
147 waiver or modification does not impact the functions for those streets including fire lane
148 standards. For purposes of this ordinance, the term "development" shall include subdivisions,
149 short subdivisions, planned unit developments, binding site plans and design review
150 approvals. Appeals of the Public Works Director’s decision shall be processed as a Process II
151 application (LMC 1.35.200).”
152

153 **Section 3.** LMC Section 21.02.715 is hereby amended as follows,
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155 **21.02.715 Sign, roof.**

156 “Roof sign” means a business sign erected upon or above a roof or, in cases where a parapet is
157 present, above the parapet of a building. This definition does not apply to signs attached to
158 parapets or walls when such parapets or walls are at a point six (6) feet in height or less above the
159 roof deck.

160 **Section 4.** LMC Section 21.60.075 is hereby amended as follows,

161 **21.60.075 Relationship to rest of title.**

162 The regulations in this chapter, together with the applicable regulations in the rest of LMC Title
163 [21](#) and other titles of the Lynnwood Municipal Code, shall govern development and use of
164 property in the city center zones. Where the regulations of this chapter conflict with or vary from
165 regulations in other chapters or titles, the regulations in this chapter shall control.

166
167 A. Exceptions. The following chapters of LMC 21 shall not apply in the city center:

- 168 1. Chapter [21.06](#) LMC;
- 169 2. Chapter [21.12](#) LMC;
- 170 3. Chapter [21.14](#) LMC.

171

172 **Section 5.** LMC Section 21.60.100 is hereby amended as follows,

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174 **21.60.100 Definitions.**

175 The following definitions shall only be applicable to the City Center zones.

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177 A. “City center” means the land area designated on the official zoning map comprised of the city center
178 zones.

179 B. “Donation to Public Park Fund” shall mean a voluntary contribution from the developer to a dedicated
180 City fund established specifically for the purpose of acquiring and development of public park land to
181 serve new development and growth consistent with the City Center Sub-Area Plan. The voluntary
182 donation shall be executed by an agreement acceptable to the City.

183 C. “Floor area ratio” means the amount of floor area within a building as a multiple of the lot area.

184 D. “New Development” means construction of a new building or the expansion of an existing building
185 footprint (in which case that portion of the building being expanded shall constitute new
186 development). Exterior reconstruction of existing buildings (involving wall and/or roof removal)
187 within existing footprints, and construction of new facades, parapets, entrances, vestibules, and
188 similar shall not constitute New Development.

189 E. “Occupiable Space” means spaces for uses such as retail, office, residential, personal service shops ,
190 customer serving offices, restaurant, entertainment, and the like. Structured parking and self-service
191 storage facilities (mini-storage and similar spaces designed to contain objects, not persons as the
192 primary use are not considered occupiable space.

193 F. “Parking, below grade” means any portion of a structure containing parking that is located below the
194 average finished grade around a building.

195 G. “Parking, structured” means parking contained within a multi-story structure above grade.

196 H. “Promenade Street” means the public pedestrian and vehicular way along 198th St. SW identified in the
197 City Center Sub-Area Plan bounded on the east by 40th Ave. W. and 44th Ave. W. unless 198th Street
198 SW is extended west of 44th Avenue in which case the west boundary shall be the westerly terminus
199 of 198th Street SW within the City Center.

200 I. “Promenade Walkway” means the pedestrian connection conceptually illustrated in the City Center
201 Sub-Area Plan that connects the Promenade Street to the Transit Center on the South and the
202 Convention Center and towards Alderwood Mall on the North .

203 J. “Public plaza” means an open space that is accessible to the public at all times, predominantly open to
204 the sky, and for use principally by people, as opposed to merely a setting for the building.

205 K. “Story” means the portion of a building included between the upper surface of the floor and the upper
206 surface of the floor or roof next above, measured as the vertical distance from top to top of two

207 successive tiers of beams or finished floor surfaces and for the topmost story, from the top of the floor
208 finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
209 L. “Street level retail” means any pedestrian-oriented use providing goods and services adjacent to,
210 visible from, and accessible from the sidewalk such as retail stores, groceries, shoe repair shops, dry
211 cleaners, floral shops, beauty and barber shops, art galleries, travel agencies, restaurants, theaters,
212 public offices, libraries and other businesses that are intended to be pedestrian-attracting or
213 pedestrian-generating in nature.

214 **Section 6.** LMC Section 21.60.200 is hereby amended as follows,

215 **21.60.200 Zones established and described.**

- 216 A. City Center – Core (CC-C). This zone is envisioned to have the highest intensity uses, especially office
217 buildings, residences, and hotels contained within high-rise buildings. Shops and restaurants would be
218 located along key streets, particularly the principal pedestrian corridor, referred to as the
219 “Promenade” in the City Center Sub-Area Plan. A major public open space would anchor the zone.
220 Over time, parking would be increasingly located within parking structures. The convention center is
221 located in the northeast corner of this zone.
- 222 B. City Center – West (CC-W). This zone is envisioned to have a mixture of higher density housing, retail
223 and restaurants, and some office buildings contained within mid-rise buildings. A public open space
224 would anchor the zone. Over time, parking would be increasingly found within parking structures.
- 225 C. City Center – North (CC-N). This zone is envisioned to have a mixture of mid-rise office buildings and
226 retail. Over time, parking would be increasingly found within parking structures.

227 **Section 7.** LMC Section 21.60.300 is hereby amended as follows,

228 **21.60.300 Use limitations.**

229 All uses shall be allowed in the city center zones unless specifically prohibited below.

230 A. Prohibited in all city center zones:

- 231 1. Adult establishments;
232 2. Billboards;
233 3. Industrial uses (excluding management, research and development, and sales operations);
234 4. Outdoor storage or display of materials and equipment (except during construction) except as
235 provided for in LMC 21.60.300 A.10;
236 5. Auto-oriented uses, including:
237 a. Vehicle washing;
238 b. Drive-throughs, including drive-up windows and drive up kiosks;
239 c. Vehicle Repair;
240 d. Battery Exchange Station (Electric Vehicles);
241 e. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless
242 contained within an enclosed parking structure or attached to the exterior of a
243 building containing a principal use.);
244 f. Gasoline service stations;
245 g. Rental-Car agencies with outdoor fleet;
246 h. Outdoor sales of boats, vehicles, or equipment.
- 247 6. Sewage treatment plants;
248 7. Work release facilities;
249 8. Wrecking yards;
250 9. Secure community transition facilities;
251 10. Uses not fully contained within a building except:
252 a. Accessory outdoor dining;
253 b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and
254 where the display only occurs during business hours;
255 c. Temporary special events;
256 d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area
257 of the principal use it serves, not to exceed half an acre;

- 258 11. Self-service storage facilities (also known as mini-storage) consisting of more than 20% of
- 259 the building's total gross floor area.
- 260 12. Any other uses similar to those listed above or any other use determined by the Community
- 261 Development Director to be inconsistent with the intent of city center zones as described in
- 262 this chapter and the City Center Sub-Area Plan. Appeals of the Community Development
- 263 Director's decision shall be processed as a Process II application (LMC 1.35.200).
- 264 B. Additionally prohibited in the portion of the city center – core zone (CC-C) that is north of 194th St.
- 265 SW:
- 266 1. Multiple-family residential.
- 267 C. Ground floor principal uses in all City Center Zones shall be Occupiable Space.
- 268 1. Exception. Parking may occupy the ground floor of a building; provided that, the parking does
- 269 not occupy ground floor space facing a street frontage. In such instances, that portion of the
- 270 building facing the street shall still consist of occupiable space.
- 271 D. For buildings that directly front the Promenade Street, no less than 40 percent of the lineal frontage of
- 272 any building shall be Street Level Retail uses.

273 **Section 8.** LMC Section 21.60.400 is hereby amended as follows,

274 **21.60.400 Basic development standards.**

- 275 A. Height.
- 276 1. Minimum Building Height.
- 277 The intent is that the City Center zones accommodate dense urban form development and that all New
- 278 Development shall be built to at least the minimum building height. However, due to current economic
- 279 conditions, in the first five (5) years from the date of adoption of this ordinance, this requirement is
- 280 waived and if conditions are not improved beyond this five (5) year period, City Council may extend
- 281 this waiver further.
- 282 a. New Development effective February 27, 2012: Three Stories at no less than 30 feet. This
- 283 requirement shall not apply to uses predominantly characterized as places of public assembly
- 284 featuring auditoriums or meeting facilities including but not limited to religious institutions,
- 285 movie or performing arts theaters, symphony halls, and convention facilities.
- 286 2. Maximum Building Height
- 287 a. In the City Center – Core (CC-C) zone, the maximum building height shall be 350 feet,
- 288 except as follows:
- 289 i. From the centerline of 196th St. SW north up to but not exceeding a distance of 360 feet,
- 290 the maximum building height of any portion of a building shall be 240 feet.
- 291 ii. North of a line 360 feet north of the centerline of 196th St. SW, the maximum building
- 292 height of any portion of a building shall be 130 feet.
- 293 iii. Notwithstanding the above paragraphs, the maximum height of any portion of a building
- 294 150 feet or less from a residential zone shall be 35 feet.
- 295 b. In the City Center – West (CC-W) and City Center – North (N) zones, the maximum building
- 296 height shall be 140 feet, except as follows:
- 297 i. The maximum height of any portion of a building 150 feet or less from a residential zone
- 298 shall be 35 feet.
- 299 3. Mechanical penthouses, stair/elevator overruns, and antennas shall be excluded from building height
- 300 calculation, provided they are no more than 20 feet above the roof deck.
- 301 4. Building height may be increased by up to 20 percent for a non-habitable, architectural roofline
- 302 element. This allowance does not apply within 150 feet from a residential zone or in the city center –
- 303 core zone (CC-C) where the maximum height is less than 350 feet.

304 B. Setbacks

- 305 1. From Streets:
- 306 a. To permit the widening of City Center streets without creating nonconforming situations or
- 307 the need to impact buildings, all buildings shall be located at the property line established by
- 308 the future street right of way contained in Table 21.60.4 utilizing the fronting street for fire
- 309 access except as permitted otherwise in this chapter, the City Center Design Guidelines or
- 310

- 311 unless there is or will be a building between such building and the future street right of way.
 312 In exceptions where buildings do not utilize the street for fire access, a circulating fire lane
 313 may be required.
- 314 b. Buildings may be setback from the street for the purpose of providing public plazas as a FAR
 315 bonus feature and as required by the City Center Design Guidelines. The public plaza may
 316 exceed the minimum open space/public plaza size requirement provided in the Design
 317 Guidelines. Up to 30% of any building’s street frontage per street may be setback from the
 318 setback line to accommodate a Public Plaza. Open Space/Public Plaza space may be
 319 combined at intersections.
- 320 c. To allow buildings to be setback from wider streets, buildings along Boulevard streets may be
 321 setback up to 17 feet from the property line established by the future street right of way
 322 provided in Table 21.60.4 subject to the following requirements:
- 323 i. The Boulevard street shall be utilized as the fire lane. No setback shall be allowed
 324 that would result in requiring a fire lane between the building and the street
- 325 ii. The setback shall be utilized only for Open Space/Public Plazas complying with
 326 LMC 21.60.400 B (1) (b) and the City Center Design Guidelines.
- 327 2. Interior Side: None required.
- 328 3. Interior Rear: None required.
- 329
- 330 C. Floor Area Ratio.
- 331 1. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in the city center shall
 332 be limited as shown in Table 21.60.1. The bonuses are described in subsection (C)(2) of this section.
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Table 21.60.1: Floor Area Ratio (FAR)

<u>Maximum FAR</u>		<u>District</u>		
		<u>CC-C</u>	<u>CC-W</u>	<u>CC-N</u>
<u>Maximum Allowable “As of Right” for Existing Nonconforming Sites and Structures</u>	<u>Nonresidential</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
	<u>Residential</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
<u>Maximum Allowable FAR “As of Right” for New Development</u>	<u>Nonresidential</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
	<u>Residential</u>	<u>3.0</u>	<u>3.0</u>	<u>3.0</u>
<u>Maximum with Bonuses</u>	<u>Nonresidential</u>	<u>8.0</u>	<u>3.0</u>	<u>3.0</u>
	<u>Residential</u>	<u>10.0</u>	<u>5.0</u>	<u>5.0</u>

- 336
- 337 Notes:
- 338 a. Floor area is measured to the inside face of exterior walls.
- 339 b. The following uses shall be excluded from floor area calculation:
- 340 • Space underground (e.g. basements);
- 341 • Space dedicated to parking;
- 342 • Mechanical spaces;
- 343 • Floor Area devoted to Rainwater collection;
- 344 • Floor Area devoted to Greywater collection/storage/distribution;
- 345 • Floor Area devoted to Waste recovery/separation;
- 346 • Floor Area devoted to Bicycle storage facilities;
- 347 • Floor Area devoted to Service areas
- 348 • Elevator and stair shafts;
- 349 • Lobbies and common spaces, including atriums;
- 350 • Space used as a FAR bonus feature (see Table 21.60.2).

- 351 c. Privately owned land area for the Promenade Walkway with the required public access easement shall
 352 be included in determining the basic allowable FAR.
 353 d. Allowable FAR for nonresidential and residential uses shall be added together for the respective use
 354 types within a mixed-use residential project, to provide for a combined FAR total.
 355 e. Hotels shall be considered nonresidential for the purpose of this chart.
 356 f. In situations where both conforming and non-conforming development are located on a site, the
 357 maximum FAR for conforming and non-conforming development may be combined, but each shall be
 358 limited to their respective maximum FAR per Table 21.60.1. (For example without bonus features,
 359 conforming development FAR maximum is 2.0; non-conforming FAR maximum is 0.5. Conforming
 360 development on the site may have a maximum FAR of 2.0; non-conforming a maximum FAR of 0.5.)
 361
 362 2. FAR Bonus.

363 The FAR at a property may be increased above the amount permitted “as of right” shown in Table
 364 21.60.1 by including any of the features listed in Table 21.60.2 into development of the property.
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Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
LEED Silver or Similar Certification Elements	Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.	10 percent increase in total floor area for meeting LEED Silver Certification standards (or similar) or above
LEED Gold or Similar Certification Elements	Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.	25 percent increase in total floor area for meeting LEED Gold Certification standards (or similar) or above
LEED Platinum or Similar Certification Elements	Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.	40 percent increase in total floor area for meeting LEED Platinum Certification standards (or similar) or above
Office Use Above the Ground Floor		2 sq. ft. of floor area for each sq. ft. of office use above the ground floor
Parking, underground		2 sq. ft. of floor area for each sq. ft. of parking below grade
Parking, structured		1 sq. ft. of floor area for each sq. ft. of structured parking above grade
Public Plaza	Provision of public plaza in excess of the requirement identified in the City Center Design Guidelines.	5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the City Center Design Guidelines.
Promenade Walkway (along public right of way)	Portions or all of the Promenade Walkway that are adjacent to or near and parallel to the public right of way or are located within the public right of way. (Access easement dedication where on private property to the public must be recorded with approved maintenance provisions). The Promenade Walkway must conform to the Design Guidelines.	5 sq. ft of floor area for each sq. ft. of Promenade

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
Promenade Walkway (bisecting large blocks)	Promenade Walkway providing a connection through a large block not adjacent to or in the public right of way. However, up to 5 percent of the project's Promenade Walkway (bisecting large blocks) can be adjacent to or within the public right of way and still receive 20 sf of floor area bonus. (Access easement dedication to the public must be recorded with approved maintenance provisions). The Promenade Walkway must conform to the Design Guidelines.	20 sq. ft of floor area for each sq. ft. of Promenade
Residential Use (single purpose building)	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	2 sq. ft. of floor area for each sq. ft. of residential use
Residential Use in Vertically Mixed-Use Building	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed-use.
Street Level Retail	See definition (LMC Section 21.60.100.L)	200 sq. ft. of floor area for each linear foot of retail frontage
Donation to Public Park Fund	See definition (LMC Section 21.60.100.B)	20 sq. ft per \$100 contributed to Public Park Fund

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3. Change of Use and Continuation of Bonus.

- a. FAR bonuses granted based on the use of the building (e.g. office use, residential use, Street Level Retail) and use of an area (e.g. Promenade Walkway or public plaza) shall be acknowledged in a document recorded in a form acceptable to the City with the Snohomish County Auditor's Office. The document shall also reflect the requirement in subsection LMC 21.60.400 (3)(b) below.
- b. If a business, activity or feature that supported a FAR bonus under this section is terminated, that use shall either be replaced by another use or feature of the same type (as listed in Table 21.60.2) or by another use that qualifies for an equal (or greater) FAR bonus. Alternatively and only in the case of a bonus use terminating, the property owner may request approval of a substitute method to qualify for the FAR bonus. Such substitution shall be subject to the approval of the Community Development Director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter. Appeals of the Community Development Director's decision shall be processed as a Process II application (LMC 1.35.200)

D. Parking Ratios.

Notwithstanding Chapter [21.18](#) LMC, off-street parking shall be provided in conformance with Table 21.60.3 and the regulations in this subsection.

Table 21.60.3: Required Off-Street Parking

Use Type	Minimum	Maximum
Retail, Personal services and Offices serving customers on site	3 stalls/1,000 Gross Floor Area (gfa)	4 stalls/1,000 gfa
Offices, not serving customers on site.	2 stalls/1,000 gfa	4 stalls/1,000 gfa
Residential	0.5 stalls per unit	3 stalls per unit
Senior housing	0.25 stalls per unit	1 stalls per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
Hotels, Motels or Other Overnight Accommodations	1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.	1.5 stalls per room plus, additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.
Institutional uses	20 percent less than required in LMC Table 21.18.03	Same as Required in LMC Table 21.18.03
Places of Assembly	20 percent less than required in LMC Table 21.18.06	Same as Required in LMC Table 21.18.06
Entertainment/Recreational Activities	20 percent less than required in LMC Table 21.18.07	Same as Required in LMC Table 21.18.07
Other uses	20 percent less than required in LMC Table 21.18.11	Same as Required in LMC Table 21.18.11

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Notes:

1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number of stalls by 40 percent.
3. Parking may be located off-site, so long as it is within 1,000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.
4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and signed carpool/vanpool space. All developments with more than 100 parking spaces shall provide a minimum of two dedicated and signed carpool/vanpool spaces.
5. The Community Development Director may allow ratios higher than the maximums allowed if a parking demand study for a particular development indicates that additional parking is needed and a parking demand management program would not be effective. Appeals of the Community Development Director's decision shall be processed as a Process II application (LMC 1.35.200)

E. Bicycle Facilities.

1. All non-residential developments providing 20 or more parking stalls, shall be required to provide at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or bicycle racks/stands.
2. Bicycle stalls shall be located either inside of a building or outside within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or to a structure. It is not necessary for all on-site bicycle stalls to be located in one central location. Bicycle stalls may be located within vehicular parking areas.
3. One indoor bicycle stall shall be provided for every four dwelling units in multifamily residential uses, with the exception of senior housing, unless individual garages are provided for every unit.

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F. Service Areas.

1. Exterior service areas shall not be located within 30 feet of a residential-zoned property. Service areas include but are not limited to: loading docks, trash dumpsters, compactors, all equipment, dedicated parking or serving areas, refuse and recycling areas, and mechanical equipment areas.
2. Exterior services areas shall be located within the dedicated parking areas.
3. All exterior refuse and recycling shall be enclosed on three sides within masonry walls with a minimum height of seven feet that shall match or complement the exterior materials of primary building(s) and be covered by a roof. Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or without slats).

G. Fire Standards.

1. To eliminate private land devoted to fire lanes between the building and the right of way, all New Development in the City Center shall be constructed with sprinklers regardless of size.

Section 9. A new section LMC 21.60.475 entitled “Signs” is hereby adopted as follows,

21.60.475 Signs.

Signs in the City Center zones shall comply with LMC 21.16.310 and other applicable sections of that chapter. Notwithstanding the regulations in LMC 21.16, the following sign regulations apply in the City Center zones:

A. Prohibited signs.

The following signs are prohibited in the City Center zones:

1. Pole Signs
2. Electronic Changing Message Signs and Changeable Letter Signs, except for entertainment, public transportation uses, places of assembly, and institutional uses with an occupancy load of 200 persons or greater.
3. Roof Signs.
4. Cabinet Signs for New Development.

B. Monument Signs: Maximum height shall be eight (8) feet.

C. Neon signs are permitted, however outlining buildings or portions of buildings in neon is prohibited.

D. Window signs (signs located on the inside of a window so as to be easily and readily viewed from outside the window) may occupy up to 20 percent of the area of the window.

E. Non-conforming signs shall be governed by LMC 21.16.250, except that the structure, frame or support of an existing non-conforming pole sign, or monument sign may be modified provided:

1. Such modifications result in a sign that is more conforming; and,
2. Such new or modified sign is located in the same location as the existing sign.

Section 10. LMC Section 21.60.500 is hereby amended as follows,

21.60.500 Street types.

Notwithstanding LMC Title 19 and other adopted street standards, development and redevelopment of streets in the city center shall comply with Table 21.60.4 entitled Street Standards.

Table 21.60.4: Street Standards

Design Standards	Boulevard	Collector Arterial	Grid Street	Promenade Street
Streets	44 th Ave W, 200 th St SW/AMB, 196 th Street SW, 36 th Ave W	194 th St SW, 40 th Ave W	42 nd Ave W	198 th St SW (see definition for Promenade Street)
Right of Way Width	200 th : 5 Lanes: 99 feet 200 th : 6 Lanes: 110 feet 200 th : 7 Lanes: 121 feet 196 th : 7 Lanes: 111 feet 44 th : 7 Lanes: 111 feet 44 th : 8 Lanes: 122 feet 36 th : 6 Lanes: 97 feet 36 th : 5 Lanes: 85 feet	194 th : 2 Lanes with on-street parking: 73 feet 40 th : 3 Lanes without on-street parking: 76 feet	2 Lanes with on-street parking: 77 feet	2 Lanes with on-street parking: 73 feet
Parking Lane	No Parking	194 th St. SW: Both sides, 8 feet wide 40 th Ave W: No Parking	Both sides; 8 feet wide	Both sides; 7 feet wide
Sidewalks	Both sides, 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 194 th St. SW: 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb) 40 th Ave. W.: 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)
Curb and Gutter	Both sides; 6" Raised	Both sides; 6" Raised	Both sides; 6" Raised	Both sides; 6" Raised (or Rolled with Decorative Bollards for Pedestrian Safety)
Travel Lanes and Turning Lanes (maximum #)	5-8	194 th St. SW: 2 40 th Ave. W: 3	2	2
Travel Lane Width	11-12 feet	11 feet	14 feet	13 feet
Bicycle Travel Lane	44 th Ave W., 196 th St. SW., and 36 th Ave W.: No bicycle travel lane 200 th St. SW: 5-foot on-street bicycle lanes (both sides)	5-foot on-street bicycle lanes (both sides)	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section
Intersection Curb	35-foot radius with no curb bulb extension along boulevard	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension
Raised Landscape Median (width)	6 feet in left turn pocket areas; 18 feet at all other areas	None	None	None

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473 Notes:

474 a. Refer to City Center Design Guidelines for access requirements.

475 b. The Public Works Director may, with the concurrence of the Fire Marshal, modify the street standards
476 in Table 21.60.4 above if the modification does not impact the function for those streets. Appeals of
477 the Public Works Director's decision shall be processed as a Process II application (LMC 1.35.200)

478

479 **Section 11.** LMC Section 21.60.600 is hereby amended as follows,

480 **21.60.600 Design review.**

481 A. Design Guidelines.

482 The following structures and parking facilities permitted in the city center zones shall comply with
483 Lynnwood city center design guidelines (which are adopted by this reference as if fully set forth
484 herein) and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this
485 chapter: for proposals in these zones, the citywide design guidelines shall be replaced with the city
486 center design guidelines.

- 487 1. Construction of any nonresidential structure or building with a gross floor area of more than
488 1,000 square feet.
- 489 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved
490 parking area of 5,400 square feet or more.
- 491 3. Construction of any multiple-family residential structure.

492 B. Supersede.

493 Applicable Lynnwood city center design guidelines shall supersede any development standards and
494 requirements of this title and other titles of this code that may conflict, unless otherwise specified in
495 this chapter.

496 C. Gateways and Prominent Intersections.

497 See city of Lynnwood zoning map to identify development project sites within a gateway or
498 prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent
499 intersection design guidelines in the Lynnwood city center design guidelines. If any portion of a
500 project site lies within a gateway or prominent intersection location, then the entire project shall
501 comply with the applicable design guidelines.

502 D. Compliance with Sub-Area Plan and Related Documents.

503 For determining compliance with the comprehensive plan (that includes the City Center Sub-Area
504 Plan), as required by LMC 21.25.145(B)(2), an application for approval of structures and facilities
505 under this section shall:

- 506 1. Demonstrate consistency and compatibility with the planned location and design of streets, as
507 shown in the street protection ordinance, as amended. Where any locations and designs in
508 subsection (D)(1) of this section conflict with the City Center Sub-Area Plan, such locations
509 and designs shall supersede the conflicting provisions of the City Center Sub-Area Plan.

510
511 **Section 12.** LMC Section 21.60.700 is hereby amended as follows,

512
513 **21.60.700 Nonconforming structures, sites and uses.**

514 It is expected that much development within the city center will be as a result of renovations and
515 expansions as much as entirely new development, especially in the years before 2015 or 2020. It is not the
516 intent of the city to discourage such development, as new investment should enhance the image and
517 appeal of the city center. However, it is also necessary to ensure that all forms of development contribute
518 positively to the character and quality of the area. The general principle to be applied is that changes to
519 nonconforming conditions should not increase the degree of the nonconformity, but rather move the site
520 and its uses and buildings towards greater conformity. Given the location and configuration of current
521 buildings, application of all design standards may not be possible or practical; however, every effort
522 should be made to comply with such standards for the portions of sites and buildings in proximity to the
523 alterations being made. This section supersedes Chapter 21.12 LMC.

524 A. Nonconforming Uses.

525 Any prohibited uses legally existing at the time of the adoption of the ordinance codified in this
526 chapter shall be considered "legal nonconforming uses." Such uses are not permitted to expand.
527 Exterior landscaping, facade improvements, or interior upgrades are permitted.

528 B. Nonconforming Sites.

529 Throughout the city center, there are many properties where site development existing at the time of
530 the adoption of the ordinance codified in this chapter does not comply with the site design standards
531 and guidelines in this chapter. Certain types of minor changes to existing site development would not
532 trigger compliance with the development standards and design guidelines in this chapter, such as re-

533 striping of stalls, and new or altered signage or lighting or renovation of landscaping. Any other site
534 improvements, exterior renovation or expansion of building footprints shall incorporate site design
535 features that bring the site more into compliance with the standards of the City Center Design
536 Guidelines regardless of whether or not the site improvements, renovation, and/or expansion triggers
537 the design review process requirement per LMC 21.60.600.

538 C. Nonconforming Buildings.

539 Throughout the city center, there are many buildings and other structures existing at the adoption of
540 the ordinance codified in this chapter that do not comply with the building standards and guidelines in
541 this chapter. In keeping with the general principle that changes to nonconforming conditions should
542 not increase the degree of the nonconformity, but rather move the site and its uses and buildings
543 towards greater conformity, the following shall apply:

- 544 1. Exterior renovation of buildings and structures shall not increase the degree of non-
545 conformance.
- 546 2. All expansion of building footprints or increases in building height shall incorporate standards
547 that bring the building more into compliance with the requirements of this Chapter and the
548 City Center Design Guidelines regardless of whether or not the expansion is subject to the
549 design review process requirement per LMC 21.60.600.
- 550 3. When practicable, as determined by the Community Development Director, the expansion of
551 building footprints shall locate towards the property line of the future street right of way as
552 described in Table 21.60.4. Appeals of the Community Development Director's decision shall
553 be processed as a Process II application (LMC 1.35.200).
- 554 4. Compliance with standards shall be localized to the area of the building being altered.
555 Particular emphasis shall be given to the provision of pedestrian amenities oriented towards
556 the streets. For example, if a building is expanded towards the street, elements such as
557 building design features and transparency, parking lot landscaping and pedestrian connections
558 to the sidewalk are expected to be accomplished.
- 559 5. For buildings that are demolished, the replacement structure shall be considered New
560 Development.

561 D. Alternative Process for Compliance.

562 The Community Development Director may approve a plan and design for alteration of a
563 nonconforming site or building that does not fully comply with the requirements of subsections
564 (B) and (C) of this section if the director finds that the alternative plan and design provides
565 overall a greater degree of compliance with the principle of this section (as stated above). Appeals
566 of the Community Development Director's decision shall be processed as a Process II application
567 (LMC 1.35.200). (Ord. 2554 § 10, 2005)

568 **Section 13.** LMC Section 21.60.800 is hereby amended as follows,

569 **21.60.800 Maximum amount of development in city center.**

570 In no case shall the total amount of development (including all land uses) in the city center exceed 9.1
571 million square feet. (Ord. 2554 § 11, 2005)

572
573 **Section 14.** The Lynnwood City Center Design Guidelines is hereby amended as provided for in Exhibit
574 "A", attached to this ordinance and incorporated herein by reference.

575
576 **Section 15.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or
577 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
578 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

579 **Section 16.** This ordinance or a summary thereof consisting of the title shall be published in the official
580 newspaper of the City, and shall take effect and be in full force five (5) days after publication.

581 PASSED BY THE CITY COUNCIL, the 27th day of February, 2012.

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APPROVED:

Don Gough, Mayor

ATTEST/AUTHENTICATED:

Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: _____

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On the 27th day of February, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2937. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, .

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

DATED this _____ day of _____, 2012.

LORENZO HINES, FINANCE DIRECTOR

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EXHIBIT A

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Amendments to Lynnwood City Center Design Guidelines

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