

CITY OF LYNNWOOD

ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON ADOPTING CHAPTER 21.62 OF THE LYNNWOOD MUNICIPAL CODE (“HIGHWAY 99 MIXED USE ZONE”), AMENDING CHAPTER 21.16 (“SIGNS”), AMENDING CHAPTER 21.40 (USES AND ZONING MAP), PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION

WHEREAS, in February, 2008 the City Council adopted Economic Revitalization Strategies for the Highway 99 corridor (“Strategies”); and

WHEREAS, the Strategies call for:

- Develop high density mixed use nodes at key locations;
- Increase development capacity at key locations
- Support transit oriented development and allow flexibility in zoning and increase density;
- Create design standards that address aesthetics, safety and corridor character; and

WHEREAS, in November, 2008 the City Council approved initiating preparation of a subarea plan and related documents for the corridor; and

WHEREAS, the project team conducted an open and inclusive planning process that included public meetings, work sessions with the City Planning Commission (serving as the project advisory committee) and with the City Council; and

WHEREAS, the project team, following consultations with residents and property owners in the corridor and the Planning Commission, developed a plan concept that envisioned A) redevelopment of properties around five key intersections along the corridor into mixed use “nodes” – in order to increase activity in the corridor and support for businesses along the corridor – and, B) maintaining existing plan designations and zoning in the remainder of the corridor to accommodate existing businesses (particularly auto dealerships) and provide opportunities for general commercial businesses; and

WHEREAS, following review of the plan concept with the City Council, the project team drafted a Subarea Plan for the corridor together with new zoning regulations, zoning maps and design guidelines for the mixed use nodes (“Project Documents”); and

WHEREAS, the project team also prepared a Draft Supplemental Environmental Impact Statement (SEIS) to assess the potential impacts of adoption the draft Project Documents; and

WHEREAS, the draft Project Documents and Draft SEIS were issued for public review and comment on September 10, 2010; and

CERTIFICATION
I, Robert H. Baker, Deputy City Clerk of the City of Lynnwood, WA, certify this to be a true and correct copy of the original filed in this office. This certification includes 41 D/S page(s).
Dated: 2/2/2012
Robert H. Baker
Robert H. Baker, CMC, Deputy City Clerk

WHEREAS, the project team also prepared a Draft Supplemental Environmental Impact Statement (SEIS) to assess the potential impacts of adoption the draft Project Documents; and

WHEREAS, the draft Project Documents and Draft SEIS were issued for public review and comment on September 10, 2010; and

WHEREAS, the proposed subarea plan, zoning regulations, design guidelines, and supplemental environmental impact statement for the Highway 99 Corridor were sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106 and acknowledged by Commerce as having been received September 12, 2010; and,

WHEREAS, the proposed subarea plan, zoning regulations, design guidelines, and supplemental environmental impact statement for the Highway 99 Corridor were sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106 and acknowledged by Commerce as having been received September 12, 2010; and,

WHEREAS, following completion of the public review period, written responses to all substantive comments on the Draft SEIS were provided in a Response-to-Comments addendum to the Draft SEIS; and

WHEREAS, the combination of the Draft SEIS and the Response-to-Comments document constitute the Final SEIS; and

WHEREAS, the City's Environmental Review Committee (SEPA Responsible Official for the City) approved the Final SEIS on February 2, 2011, and

WHEREAS, following the completion of the public review period, the project team reviewed the comments on the Project Documents, met with persons who had submitted comments and revised the Project Documents to respond to the comments; and

WHEREAS, Final Drafts of the Project Documents, including revisions made in response to comments on the Draft Project Documents, were issued on February 9, 2011; and

WHEREAS, the Planning Commission held work sessions on the Final Draft Project Documents on February 10 and February 24, 2011, and then held a public hearing on the Project Documents on March 2, 2011; and

WHEREAS, following completion of the public hearing and after discussion of comments made at the hearing, the Planning Commission recommended approval of the Project Documents, with revisions, on March 10, 2011; and

WHEREAS, the City Council then held a work session on the Project Documents as recommended by the Planning Commission on May 9, 2011, followed by a public hearing on the Documents on June 13, 2011 and then held additional work sessions on

June 20 and August 1, 2011, and discussed a series of modifications to the Documents; and

WHEREAS, on September 12, 2011, the City Council adopted Ordinance No. 2910 approving the Highway 99 Subarea Plan and thereby designated nodes at key intersections where the City shall encourage mixed use development; and

WHEREAS, the City Council has determined that it is in the best interests of the City and is consistent with the Strategies to adopt zoning regulations and design guidelines for the designated mixed-use nodes in the Highway 99 corridor because:

- The Plan and Zoning will implement the Economic Revitalization Strategies for the Highway 99 Corridor.
- Under the State Growth Management Act and Vision 2040 (Puget Sound Regional Council), existing cities, including Lynnwood, are required to accommodate additional population and employment growth. Creating the mixed-use nodes along Highway 99 provides a location for that growth that will not impinge on or encroach into existing single family neighborhoods.
- Creating the mixed-use nodes will encourage living near transit and near work-places, shops and services and will encourage using transit, walking, or biking rather than driving. Pedestrian oriented development along the Corridor will also improve pedestrian connections for residents of existing neighborhoods. Approval of the Project Documents will also support the City's goals and policies for energy conservation and sustainability
- City housing policies call for providing a variety of housing opportunities in Lynnwood. At present, the type of housing planned for the nodes (mixed-use buildings/sites, pedestrian-oriented developments/areas) is not found in Lynnwood. Creating these nodes will respond to this part of the housing market in locations that are well served by transit and existing commercial services.
- The Supplemental Environmental Impact Statement (SEIS) showed that there would be no substantial adverse environmental impacts associated with approval of the documents and development of the nodes.
- The zoning regulations for the new Highway 99 Mixed Use Zone provide the details for development of these nodes. They include a set of incentives to encourage inclusion of residential dwellings in all new development in the nodes, as well as development standards that will promote development of high-quality urban spaces.
- The Design Guidelines provide direction for development of the nodes, stating the City's expectations for the design details (site design and building architecture)

for new development in the nodes. Over time, implementation of these Guidelines will improve the image and appearance of the corridor.

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

Section 1: The recitals above are adopted as findings that support passage of this ordinance.

Section 2: Adoption. The Zoning Code of the City of Lynnwood should be and the same is hereby amended to include the Highway 99 Mixed Use Zone (LMC 21.62), as set forth in the Revised Final Draft of said Chapter (dated September 1, 2011), which is incorporated herein by this reference, provided that Section 21.62.450 (“Treatment at Transitional Property Lines”) Paragraph B.3 (Page 9, Line 3-4) is revised to read, “Portions of a building more than 30 feet and less than 60 feet from a single family zone shall have a maximum building height of 45 feet.”

Section 3: Amendment. Chapter 21.16 (Signs) of the Lynnwood Municipal Code is hereby amended to include the sign regulations for the Highway 99 Mixed Use Zone, as set forth in the Revised Final Draft of said regulations (dated September 1, 2011), which is incorporated herein by this reference.

Section 4: Adoption. Design Guidelines for the Highway 99 Mixed Use Zone (Revised Final Draft, dated September 1, 2011) are hereby adopted, as provided in Section 21.62.300 of the zoning regulations for the Highway 99 Mixed Use Zone (adopted by Section 1 of this Ordinance).

Section 5: Amendment. Chapter 21.40 (Use Zones and Zoning Map) of the Lynnwood Municipal Code is amended to include the Highway 99 Mixed Use Zone in the list of established zones and the order of restrictiveness in that chapter, as set forth in the Revised Final Draft of said regulations (dated September 1, 2011), which is incorporated herein by this reference.

Section 6. 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 7. 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 BY THE CITY COUNCIL, the 12th day of September, 2011.

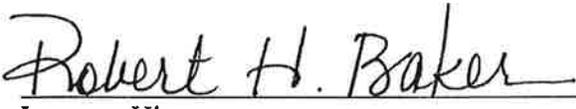
PASSED BY THE CITY COUNCIL, the 12th day of September, 2011.

APPROVED:



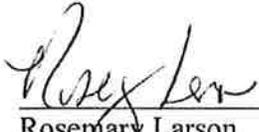
Don Gough, Mayor

ATTEST/AUTHENTICATED:

for 

Lorenzo Hines
Finance Director

APPROVED AS TO FORM:



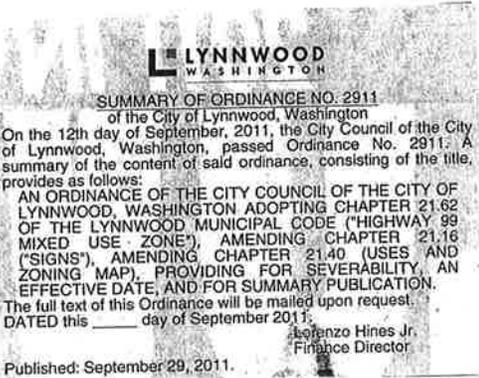
Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 8.24.11
PASSED BY THE CITY COUNCIL: September 12, 2011
PUBLISHED: 9.29.2011
EFFECTIVE DATE: 10.4.2011
ORDINANCE NUMBER: 2911

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance _____

No. 2911 _____

City of Lynnwood _____

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

September 29, 2011 _____

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Stroll _____
Principal Clerk

Subscribed and sworn to before me this _____

day of September, 2011 _____

Kimberly A. Helms _____
Notary Public in and for the State of Washington, residing in Everett, Snohomish County.

