

APPENDIX A

Chapter 21.54 Proposed Text Amendments

Chapter 21.54 COMMERCIAL-RESIDENTIAL ZONE

Sections:

21.54.050	Purposes.
21.54.100	Land use.
21.54.140	Accessory uses.
21.54.150	Project design review.
21.54.200	Area and dimensional standards.
21.54.220	Parking.
21.54.230	Additional street frontage landscaping requirements.
21.54.240	Buffer areas.
21.54.250	Minimum lot size.
21.54.500	Signs.
21.54.900	Other regulations.

21.54.050 Purposes.

This Commercial-Residential zone is intended to implement the ~~North Gateway Subarea Plan and~~¹ future land use plan map by allowing development of a mix of commercial and residential land uses ~~in close proximity to~~ that can be supported by transit facilities. ~~Additional properties may be designated with this zone where it is shown that development of a mix of commercial and residential uses could promote use of public transit, carpools or vanpools, or other means of travel other than single-occupant vehicles. While development in this zone may include apartments built over stores and offices, t~~ The key concept is to locate complementary land uses within convenient walking distance of each other connected by safe, direct, pedestrian oriented walkways. A wide variety of commercial uses are permitted in this zone in order to promote development of commercial centers that serve both nearby residents and users of the transit facilities. Multiple-family residences are permitted at these properties to provide the opportunity to live and work at a single property or development and walk to stores, services, entertainment and other activities, and to promote the use of public transit, carpools or vanpools for commuting or other travel. ~~Potential conflicts between commercial and residential land uses may be resolved by project-by-project review of residential proposals. (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)~~

21.54.100 Land use.

A. Commercial Uses. Except as specifically stated otherwise in this section, ~~A~~ all land uses permitted “by right” in the B-1 (Community Business) zone are permitted “by right”

¹ ~~strikethrough~~ = proposed text deletions and underline = proposed text additions

in this zone. All land uses permitted with approval of a conditional use permit in the B-1 (Community Business) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (ref. LMC [21.46.110](#) through [21.46.119](#)) shall apply in this zone, except as modified by the regulations in this chapter.

~~1. Exception. Notwithstanding subsection (A) of this section, only residential uses (pursuant to subsection (B) of this section) are permitted or permitted with approval of a conditional use permit at any property with frontage on 165th Place SW.~~

~~B. Residential Uses. Multi-family residential uses are permitted, provided the multi-family residential use is part of a mixed-use building or is on property that has commercial uses. Multi-family residential development without commercial uses on the property shall not be permitted. All land uses permitted “by right” or with approval of a conditional use permit in the RMM (medium density multiple-family residential) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (ref. LMC [21.42.110](#)) shall apply in this zone, except as modified by the regulations in this chapter.~~

C. Conditional Uses. Notwithstanding the regulations of the B-1 zone, the following uses are permitted in this zone with approval of a conditional use permit:

1. Convenience store.
2. Drive-in or drive-through window or other facility that provides service to customers in vehicles.
3. Church.
4. Home improvement stores
5. Carpeting or floor covering stores
6. Furniture stores

D. Prohibited Uses. Notwithstanding subsections (A) and (B) of this section, the following uses are prohibited in this zone:

1. Vehicle display, sales, rental, repair, washing, or servicing as a principal use except that:

- a. Retail sales of new automobile tires, batteries and other motor vehicle accessories and installation thereof within a completely enclosed building, and
- b. Retail sales of automobile and recreational vehicle fuels (but without repairs or servicing) when accessory to an otherwise permitted retail use over 50,000 square feet GFA

are permitted.

- 2. Gas or service stations as a principal use.
- ~~3. Sale or repair of vehicle tires.~~
- ~~3.~~ ~~4.~~ Dry cleaning plants.
- ~~4.~~ ~~5.~~ Appliance sales or small engine repair.
- ~~6. Home improvement stores.~~
- ~~7. Carpet stores.~~
- ~~8. Furniture stores.~~
- ~~5.~~ ~~9.~~ Self-service storage facilities or cold storage lockers.
- ~~6.~~ ~~10.~~ Agricultural and horticultural activities (including plant nurseries). Florist shops are permitted. (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

21.54.140 Accessory uses.

Any use may be permitted by the community development director as an accessory use to a principal use that is allowed in the applicable zone; provided, that the community development director finds that the proposed accessory use is clearly accessory or incidental to the principal use of the property and that the proposed accessory use is consistent with the purpose of the applicable zone. A determination made pursuant to this section may be appealed through Process II. (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

21.54.150 Project design review.

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright, or by conditional use permit ~~or special use permit~~ in the Commercial-Residential zone, shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC

[21.25.145\(B\)\(3\)](#), and receive approval pursuant to Chapter [21.25](#) LMC, unless otherwise specified in this chapter:

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building ~~including duplexes (two-family dwellings)~~ permitted outright, by conditional use permit ~~or special use permit~~ in the Commercial-Residential zone, shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), and receive approval pursuant to Chapter [21.25](#) LMC, unless otherwise specified in this chapter.

C. Mixed Use development shall comply with applicable sections from both the Lynnwood City Wide Design Guidelines for All Districts, Multi-Family Districts and Commercial Districts.

CD. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

DE. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2441 § 18, 2003; Ord. 2388 § 53, 2001; Ord. 2205 § 1, 1998)

21.54.200 Area and dimensional standards.

The standards in this section shall apply to all structures and nonstructural uses in this zone. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with these standards and Chapter [21.14](#) LMC.

A. Table of Standards.

Table 21.54.1 – Development Standards

Site Planning		
<u>Minimum lot area per dwelling unit</u>		<u>2,000 sq. ft..</u>
Minimum setback abutting a street		0 ft.
Maximum setback abutting a street		25 ft. ²
Minimum setback abutting another property		10 ft. ²
Maximum building height		no limit ³
Corner lot – Minimum area of landscaped area at intersection ⁴		500 sq. ft.
Minimum pedestrian area at building entries		200 sq. ft.
Minimum setback from any residential zone		25 ft.
Maximum lot coverage		70 percent
Parking Area		
Minimum landscaped area — Parking area within 100 ft. of street		See LMC 21.54.200 (C)(4)
Minimum landscaped area — Parking area more than 100 ft. from street or behind a building		See LMC 21.54.200 (C)(4)
Minimum size of landscaped area within 100 ft. of street		25 sq. ft.
Minimum width of landscaped area		5 ft.
Minimum number of trees in landscaped area within 100 ft. of street		1 per 6 parking spaces*
Minimum number of trees in landscaped area more than 100 ft. from street		1 per 8 parking spaces*
Corner lot — Minimum setback for parking area from street		200 ft.

(unless separated from street by a building)		
Maximum portion of a property frontage at which parking may be located in front of a building		50 percent
Landscaping		
Minimum width of landscaping adjoining a street		15 ft. ^{5*}
Planting of street trees		30 ft. on center

* This standard shall supersede any applicable Lynnwood Citywide Design Guidelines that may conflict.

B. Notes.

1. A. Up to 50% of a building fronting a street may be set back up to 50 ft. to accommodate plazas, courtyards, prominent entranceways or other frontage modulation. The areas within such additional setbacks are subject to the same landscaping, street furnishing, etc. guidelines otherwise required.

B. Single story, single tenant buildings greater than 100,000 square feet in gross floor area may be exempt from the 25 foot maximum setback requirement if all of the following are met:

i. A pedestrian park or plaza shall be provided at a size at least equivalent to five (5) percent of the gross floor area of the building(s). The open space shall be in addition to that required under the design review process required by LMC Section 21.54.150.

ii. A minimum five (5) foot wide pedestrian corridor shall be provided from the main building entrance to abutting parcels with multi-family residential development.

iii. Parking spaces exceeding the minimum capacity requirements required by LMC Chapter 21.18 shall be provided in a parking structure that may be above or below ground (i.e. shall not be surface parking). Such structure may serve multiple buildings and users.

2. See also required buffers in LMC [21.54.240](#).

3. Any portion of a building or structure with a height greater than 35 feet shall be set back from all property lines a minimum of one foot for every two feet in height above 35 feet.

4. Landscaped area may include pedestrian pathway connecting development to crosswalk(s).

5. Where a building is set back less than 15 feet from the street, the entire building setback (if any) shall be landscaped, not including pedestrian circulation areas and pathways.

C. Additional Standards.

1. Any surface parking lot that is more than 130 feet in any dimension, shall have marked pedestrian walkways leading to adjacent building entries, subject to approval by the community development director.

2. Special paving shall be installed and maintained at all driveways and other points of access for vehicles to/from a public street. "Special paving" shall include, but is not limited to, bomonite, stamped or colored concrete, and concrete pavers.

~~3. All major building pedestrian entrances and exits shall face a public street.~~

~~4. Five percent of parking areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line, or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers). (Ord. 2441 § 18, 2003; Ord. 2388 § 54, 2001; Ord. 2205 § 1, 1998)~~

21.54.220 Parking.

For calculating the required number of parking stalls see Chapter [21.18](#) LMC.

A. Reduction in Parking for a Common Driveway. Owners of adjoining properties will be encouraged to enter into agreements to provide for shared access, egress, and parking facilities by allowing a reduction of the total parking requirements for such properties. Property owners desiring to take advantage of this reduction policy may submit detailed

plans to the city, and if such plans are approved by the community development director and public works director, the required off-street parking for each respective parcel may be reduced by ~~twice the number of stalls that could be accommodated by the actual square footage of land provided by each respective parcel for a common driveway,~~ provided:

1. ~~That no reduction shall be more than twice the number of standard sized parking stalls which could be accommodated by the actual square-footage of parking lot area of each respective parcel served by the common driveway.~~

2. That such reduction in parking will not reduce parking by more than 10 percent of the amount otherwise required;

3. ~~2.~~ A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;

4. ~~3.~~ In circumstances where buildings already exist, that the plans include a reasonable effort to coordinate, redesign or refinish the exterior of the buildings in a unified manner so as to improve the visual image of the street and vicinity;

5. ~~4.~~ The plans provided for streets adjoining the properties involved to be improved to city standards, including sidewalk, curb, and gutter, or reasonably equivalent guarantee of such improvement are provided in LMC [16.04.250](#);

6. ~~5.~~ Traffic flow is improved through joint use of the same entrances;

7. ~~6.~~ That the parties owning the properties enter and record into a written agreement recorded with the county auditor, defining their rights, duties, reciprocal easements, and providing for maintenance and repair in such a manner that the city reasonably assured that the property will have an orderly, permanent management, which agreement shall notify persons dealing with the title to said lands that the right to reduced parking is conditional upon the continued existence of the common driveway; and

8. ~~7.~~ The city has reviewed consent by all owners that additional building permits on any of the land so affected will not be issued by the city unless separate and/or additional parking is provided. (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

B. Parking Structure Development Standards: Parking structures shall meet the design requirements of LMC 21.18.710 "Parking Structure Development Standards" except that

parking structures screened from streets by other buildings need not meet the LMC 21.18.710(C)(5) requirement to set back floors above the third floor.

C. Supersede: Applicable parking standards as adopted in LMC 21.18 shall supersede any development standards and requirements of this chapter that may conflict, unless specified otherwise in this chapter.

21.54.230 Additional street frontage landscaping requirements.

A. Size of Trees at Planting. The minimum height at planting for evergreen trees shall be eight feet. The minimum caliper size for deciduous trees at planting shall be two inches.

B. Planting for Shrubs and Groundcover. Low evergreen plantings with a maximum height of 36 inches shall be provided in all landscaped areas abutting a street. Street-side landscape areas at parking areas shall include at least one row of evergreen shrubs spaced no more than four feet apart and that will grow to a height of at least 30 inches. Groundcover shall be planted in all landscaped area abutting a street in a manner that will fully cover areas not covered by trees or shrubs within two years. No more than 10 percent of a landscaped area abutting a street shall be covered with inanimate materials, not including the walking surface for walkways or other pedestrian areas.

C. Landscaping in Right-of-Way. Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and shall indemnify the city against any injuries occurring within that portion of right-of-way so utilized. Such release and indemnity shall be subject to approval by the city attorney.

D. Additional Landscaping Along Specified Streets. See Chapter [21.06](#) LMC. (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

21.54.240 Buffer areas.

Buffer areas shall be installed where the side yard or rear yard of a property in this zone adjoins a property zoned to a residential zone or the public and semi-public zone.

A. Plans Submittal and Decision. Plans for landscaping and fencing in a buffer area shall be submitted to the community development director or as part of an application for design review for approval prior to issuance of a building permit. The Community Development Director shall approve the landscaping plan if the proposed landscaping and fencing would provide adequate screening after five years of growth. A decision by

the director under this subsection may be appealed pursuant to Process II, LMC [1.35.600](#) et seq.

Any permit issued by the building official shall be conditional upon compliance with the screening standards established throughout this procedure.

B. Minimum Standards.

1. Planting.

a. Adjacent to a Single-Family Residential Zone.

i. This planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 15 feet on center, so as to form an effective visual barrier within five years. The minimum tree height at planting shall be six feet. A permanent six-foot site-screening fence shall be placed at the property line.

ii. When slope of land in a buffer requires installation of a rockery or other retaining structure, the width of the buffer shall be increased so that the retaining structure reduces the planting area of the buffer to no less than 80 percent of the area in the required buffer. Trees required to be planted in a buffer with a retaining structure shall be planted at the top of the structure.

b. Adjacent to a Multiple-Family Residential or Public and Semi-Public Zone. The planting strip shall be at least 10 feet in width and shall consist of the following:

i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height at planting shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or

ii. Exception. Where soil or topographic conditions prevent trees from being planted at the top of a retaining structure within a buffer, a site-screening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height at planting shall be four feet; height at full growth shall be at least 10 feet.

2. Signed Plans. All landscaping plans shall bear the seal of a registered landscape architect or a professional nurseryman and be drawn to a scale no less than one

inch to 20 feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill city code requirements.

3. Fencing.

a. As part of all buffer areas required by this paragraph, a solid one-inch-thick board (nominal dimensional standards) fence shall be placed at the property line. A brick, rock or masonry wall may be substituted for the board fence. No new fence is required in those cases where an existing fence meets the intent of this paragraph. However, if the existing fence is ever completely or partly removed, demolished or destroyed, then the owner of the property first being required by this paragraph to provide the necessary fence will be responsible for fulfilling this requirement.

b. Where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this paragraph, the community development director may permit a location which more adequately satisfies the intent of this section.

C. Exception.

~~The community development director may reduce the required buffer width and revise the required planting and fencing if the director finds that, due to the intensity of existing or proposed landscaping, change in topography between properties, use of the properties along the abutting property line, or other characteristics of the abutting properties, a reduced buffer width will provide adequate separation between the properties.~~

~~A request for approving a reduction in a required buffer shall be made in writing and shall describe fully the reduction and the basis for the request. The fee for processing a request shall be \$200.00 as set forth in LMC 3.104. The person(s) requesting the buffer reduction bear the burden of proof that the reduced buffer will provide adequate separation and screening between properties.~~

~~At least 28 calendar days prior to acting on a request for buffer reduction, notice of the request shall be mailed to the owners of all properties that abut the site of the proposed reduction. Action on a request may not be taken until this noticing period has expired.~~

Anyone may appeal a determination regarding an exception by the director under this subsection by filing a written statement of the reason(s) for the appeal with the community development department. Such an appeal shall be processed pursuant

to Process II (LMC [1.35.200](#) et seq.). (Ord. 2451 § 7, 2003; Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

21.54.250 Minimum lot size.

Property proposed for development under these commercial-residential regulations shall encompass a development site area of at least five acres. ~~At properties in this zone which encompass less than five acres the regulations for the RS-7 zone shall apply. “Encompass a development site” shall mean that one or more parcels shall be developed as a unified project including, but not limited to, shared parking and access and coordinated landscaping, architecture and signage.~~ (Ord. 2441 § 18, 2003; Ord. 2205 § 1, 1998)

21.54.500 Signs.

A. Wall signs and freestanding signs shall be allowed, as provided in LMC [21.16.310](#), except that:

~~1. A. Freestanding signs, other than monument signs, ground signs and directional signs, are prohibited.~~

2. B. The maximum height of a freestanding sign in this zone shall be 10 feet. (Ord. 2310 § 50, 2000)

21.54.900 Other regulations.

A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. ~~One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.~~

B. Setback. Refuse and recycling collection areas in the CR zone ~~all commercial zones~~ shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC [21.25.145\(B\)\(3\)](#), that may conflict:

1. Set back a minimum of 20 feet from a public street;
2. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone; or
3. Set back a minimum of 10 feet from any other interior property line.

C. Design. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-high gate on one side.

1. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area).
2. The enclosure shall include a gate which can be secured in an open or closed position.
3. If the gate is made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area.
4. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

D. Parking. A refuse and recycling collection area shall be located in such a way that new or existing parking stalls will not prevent or interfere with the use and servicing of the collection area.

E. Size, Location and Construction. Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the public works department. (Ord. 2441 § 18, 2003; Ord. 2388 § 55, 2001; Ord. 2205 § 1, 1998)

**Chapter 21.40
USE ZONES AND ZONING MAP**

21.40.100 Use Zones Established

For the purpose of this title, the city is divided into use zones as provided hereafter:

Essential Uses	Symbols	Description
A. Single-Family Residential Zones.		
Single-Family Residences	RS-8	Low-Density Single-Family Residential
	RS-7	Medium-Density Single-Family Residential
	RS-4	High-Density Single-Family Residential
B. Multiple-Family Zones.		
Multiple-Family Residences	RML	Low-Density Multiple-Family Residential
	RMM	Medium-Density Multiple-Family Residential
	RMH	High-Density Multiple-Family Residential
C. Commercial Zones.		
Retail, Offices and Services	B-4	Restricted Business
	B-3	Neighborhood Business
	B-2	Limited Business
	PCD	Planned Commercial Development
	B-1	Community Business
	MU	Mixed Use/Business
	CC-W	City Center – West End
	CC-N	City Center – North End
	CC-C	City Center – Core
	CG	General Commercial
	PRC	Planned Regional Shopping Center
	CDM	College District Mixed Use
	HMU	Highway 99 Mixed Use
	<u>CR</u>	<u>Commercial Residential</u>
D. Industrial Zones.		
Employment Uses	BTP	Business and Technical Park(s)
	LI	Light Industrial
E. Public and Institutional Zones.		
Institutional Uses	P-1	Public and Semi-Public Uses.

21.40.900 Order of Restrictiveness

The City of Lynnwood is divided into ~~22~~ 23 use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

Upon deletion of the Suburban Residential Zone (RS-12), the properties in the zone are to be automatically placed in the adjacent Residential Zone (RS-8).

RS-8	Low-Density Single-Family Residential
RS-7	Medium-Density Single-Family Residential
RS-4	High-Density Single-Family Residential
P-1	Public and Semi-Public Use
RML	Low-Density Multiple-Family
RMM	Medium-Density Multiple-Family
RMH	High-Density Multiple-Family
	Upon deletion of the High Rise Multiple-Family Zone (RMHR), the properties in the zone are to be automatically placed in the High Density Multiple-Family Zone (RMH).
B-4	Restricted Business
B-2	Limited Business
	Upon deletion of the Highway Services Zone (C-2), the properties in the zone are to be automatically placed in the adjacent Planned Commercial Development Zone (PCD).
B-3	Neighborhood Business
PCD	Planned Commercial Development
B-1	Community Business
CDM	College District Mixed Use
MU	Mixed Use/Business
HMU	Highway 99 Mixed Use
<u>CR</u>	<u>Commercial Residential</u>
CC-W	City Center – West End
CC-N	City Center – North End
CC-C	City Center – Core
CG	General Commercial
PRC	Planned Regional Shopping Center
BTP	Business and Technical Park
LI	Light Industrial