

Miscellaneous Code Amendments (2021-22) Draft Changes

TITLE 1

Lynnwood Municipal Code (LMC) 1.35.175 – Appeal of hearing examiner decision states that per the Land Use Petition Act (RCW 36.70C) hearing examiner appeals must be appealed to superior court.

The following section 1.35.140 explains that the required contents of a notice of a hearing should include a statement about appeals. It incorrectly says that an appeal of the examiner's decision goes to city council. As noted above, appeals go to superior court. The change below corrects this error.

1.35.140 Notice of hearing

The applicable department director shall provide notice of the public hearing on the application, as follows:

A. Content.

1. Name of the applicant and the project name;
2. Street address and/or a description of the property in nonlegal terms;
3. Citation of the portion(s) of the Lynnwood Municipal Code requiring the permit(s) for which the application has been submitted;
4. A brief description of the proposed action and the requested permit(s);
5. Date, time and place of the hearing;
6. A statement of the right of any person to participate;
7. A statement that only those persons who participate may appeal to ~~city council.~~ superior court.

B. Distribution. The applicable department director shall distribute the notice by:

1. Publishing the notice in the official newspaper of the city;
2. Posting the notice at official posting place(s) of the city and at the site;
3. Mailing the notice by regular mail to owners of property within at least 300 feet of the boundary of the subject property and of any property contiguous thereto in the applicant's ownership. For the purpose of this mailing, the applicable department director shall use the listing of ownership and addresses on the city of Lynnwood utility billing records. If no record for any given lot is shown on those records, then notice to the last owner of record in the office of the county treasurer shall be deemed proper notice;

4. Mailing the notice by regular mail to each person who has requested such notice in writing for the calendar year and who has paid a fee as shown in Chapter 3.104 LMC for this service to the finance director;

5. This noticing requirement shall be satisfied by substantial compliance with this section.

C. Timing. The notice of the public hearing shall be provided at least 20 calendar days before the date of the hearing.

TITLE 19

“Title 19 – Subdivisions” has sections describing the requirements for:

- Subdivisions (residential zoned land divided into 10 lots or more),
- Short Plats (residential zoned land divided into 9 lots or less),
- Binding Site Plans (commercial subdivisions),
- Boundary Line Adjustments, and
- Lot Combinations.

The Exemptions section below says that commercial or industrial land divisions (Binding Site Plans) and Boundary Line Adjustments are exempt from Title 19 requirements. This contradicts the contents of Title 19 listed above. To correct this, references to Binding Site Plans and Boundary Line Adjustments are removed from LMC 19.05.017 - Exemptions.

19.05.017 Exemptions.

The provisions of this chapter do not apply to the following:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots, tracts or parcels where each lot is five acres or larger. For this purpose, in computing the area of any lot under this paragraph that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to such centerline;

C. Divisions of land made by testamentary provisions or the laws of descent;

~~D. Divisions of land into lots or tracts classified for industrial or commercial uses when approved by the city in accordance with Chapter 19.75 LMC, Binding Site Plans;~~

~~E. Except as otherwise provided, a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet city code; provided, that such alterations shall be first approved by the community development director who shall initial the revised plat map and shall~~

~~cause same to be recorded with the Snohomish County auditor's office at the applicant's expense. Any change in the number of lots shall be accomplished as a plat or short plat;~~

~~D. F.~~ Divisions of land into lots or tracts if: ~~1. T~~ the improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

~~2. The division of land is approved by the city in accordance with Chapter 19.75 LMC, Binding Site Plans; and~~

~~3. The binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest";~~

~~E. G.~~ Division of land due to condemnation, or purchase thereof in lieu of condemnation, by an agency or division of government vested with the power of condemnation

"Definitions" sections are very common in city code titles. They define important terms for the public and staff. Sometimes definitions are written poorly, no longer sufficient or relevant, or did not age well. The following pages covers several updates to definitions in Title 19 – Subdivisions and Title 21 – Zoning.

The following change to LMC 19.10.030 reflects that with the ongoing reorganization of Development and Business Services, other staff besides the public works director or city attorney may review bonds (such as the DBS Development Engineering division). This change provides flexibility but still requires City approval.

19.10.030 Bond.

"Bond" means any form of a surety in an amount and form satisfactory to the ~~public works director and the city attorney~~ City of Lynnwood. All bonds shall be approved by the public works director whenever a bond is required by this title.

We are removing a sentence that refers to lot combinations. Lot combinations are already defined in LMC 19.10.125.

19.10.035 Boundary line adjustment.

"Boundary line adjustment" means a division made for the purpose of adjusting boundary lines between platted or unplatted lots or both which does not create any additional lots, tracts,

parcels, or sites. A boundary line adjustment may not modify existing nonconforming lots to make the lots more nonconforming. ~~A boundary line adjustment also provides a procedure to consolidate previously platted lots into a single parcel.~~

The following definition change makes declaration documents required for all subdivisions, short (9 lots or fewer) or full subdivisions (10 lots or larger). This document is required and applicable for short and full subdivisions.

19.10.085 Declaration of ~~short~~ subdivision.

“Declaration of ~~short~~ subdivision” means a document signed by all persons having any peculiar interest in the land being subdivided and acknowledged before a notary that they signed the same as their voluntary act and deed. The declaration shall, at a minimum, contain the elements of:

- A. A legal description of the tract being divided and all parcels contained therein; and
- B. An illustrative map; and
- C. If applicable, the restrictive covenants. (Ord. 2463 § 4, 2003)

The following change is to the definition of improvements.

Improvements include but are not limited to stormwater detention facilities or utilities that are required on private property or in street right-of-way. When property owners divide or develop property they must provide these improvements. Improvements ensure that sufficient public services are provided for future owners or tenants and the general public.

The following change adds “or within the right-of-way” to where improvements may be required, not only within the boundaries of private property.

19.10.115 Improvements.

“Improvements” mean any permanent structure or landscape feature that becomes part of, placed upon, or is affixed to real property or within the right-of-way including streets, with or without curb or gutter, sidewalks, crosswalk ways, water mains, sanitary and storm sewers, street trees and other appropriate items. (Ord. 2463 § 4, 2003)

The following change corrects an incorrect code reference. The section in question explains the criteria of approval for a revision to a fee simple unit lot subdivision. However, the current reference points to a section about transmitting a copy of a complete application to reviewers. It should point to LMC 19.40.060 – Criteria for approval. The updated reference links to LMC 19.40.060, the criteria for approval, as intended.

19.40.100 Revisions to an approved fee simple unit lot subdivision.

An application for a revision to an approved preliminary fee simple unit lot subdivision may be submitted before a final fee simple unit lot subdivision application is submitted, as follows:

A. Minor Revisions to an Approved Preliminary Fee Simple Unit Lot Subdivision. The director is authorized to make the determination on a minor revision to an approved fee simple unit lot subdivision without a public hearing.

1. Defined. Minor revisions to an approved preliminary fee simple unit lot subdivision are those which do not change:

- a. The outer boundaries of the fee simple unit lot subdivision (other than for survey discrepancies);
- b. The dimension of lot lines within the fee simple unit lot subdivision by more than two percent;
- c. The conditions of preliminary fee simple unit lot subdivision approval;
- d. Road alignments or connections and/or do not increase the number of lots.

2. Application. A complete application for a preliminary fee simple unit lot subdivision revision shall consist of the following:

- a. Application form and filing fee;
- b. Site plan showing the proposed modification, using the same plan format as in the original approval;
- c. Explanation in narrative form of the requested modification.

3. Processing. The following steps shall be followed in the processing of an application for a minor revision:

- a. LMC 1.35.015, determination of complete application;
- b. LMC 1.35.020, notice of application;
- c. Chapter 17.02 LMC, SEPA (unless exempt under WAC 197-11-800);
- d. LMC 1.35.070, determination of consistency with the development regulations and comprehensive plan;
- e. Chapter 1.35 LMC, notice of decision;
- f. Chapter 1.35 LMC, administrative appeal.

4. Criteria for Approval. The director shall approve or approve with conditions a proposed preliminary fee simple unit lot subdivision revision application, as long as the applicant demonstrates that all of the following criteria are satisfied:

- a. The proposed revision meets the criteria in LMC ~~19.40.050(A)~~; 19.40.060;
- b. The revision will not be inconsistent with, or cause the fee simple unit lot subdivision to be inconsistent with, the findings, conclusions or decision made by the city in its approval of the preliminary fee simple unit lot subdivision; and

c. Approval of the revision will not affect the ability of the collective lots in the property included in the preliminary fee simple unit lot subdivision to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

5. Time Limitation for Final Decision. The minor preliminary fee simple unit lot subdivision revision application shall be approved, approved with conditions or denied within 120 days after a complete application is submitted, unless the applicant consents to an extension in writing of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 120-day period shall not include the time spent preparing and circulating the environmental impact statement by the city.

6. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended. Approval of a minor preliminary fee simple unit lot subdivision revision shall not extend the deadline set forth in LMC 19.40.090 for submission of a final fee simple unit lot subdivision application to the city.

B. Major Revisions to an Approved Fee Simple Unit Lot Subdivision. Major revisions to approved preliminary fee simple unit lot subdivision are defined and processed as follows:

1. Defined. A major preliminary fee simple unit lot subdivision revision is any application for a revision of a preliminary fee simple unit lot subdivision that does not meet the definition of a minor preliminary fee simple unit lot subdivision revision.

2. Application. An application for a major preliminary fee simple unit lot subdivision revision shall include all of the elements of a complete preliminary fee simple unit lot subdivision application.

3. Criteria for Approval, Time Limitation for Final Decision. The criteria for approval and the time limitation for a final decision of a major preliminary fee simple unit lot subdivision revision shall be the same as those for a preliminary fee simple unit lot subdivision application.

4. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended. Approval of a major preliminary fee simple unit lot subdivision revision shall not extend the deadline set forth in LMC 19.40.080(C) for submission of a final fee simple unit lot subdivision application to the city.

A correction to Chapter 19.50 – Short Subdivisions.

This section lists the items required for a complete short plat application. It should not include how lot dimensions or area is calculated – that belongs in other sections of the code such as development standards. The method for calculating lot area for lots with panhandles is already in 19.35.010.A.9. – Lot and block design.

19.50.020 Preliminary short subdivision application.

Any person desiring to divide land under the provisions of this title situated in the city of Lynnwood into nine or fewer lots shall submit an application for short subdivision approval to the community development director together with payment of related fees and costs as set forth in Chapter 3.104 LMC.

A. Applications for a preliminary short plat subdivision shall be submitted on forms prescribed by the community development director. All applications submitted to the community development director shall be complete and contain the following material:

1. The name, address and telephone number of the owner(s);
2. A written statement by the owner showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;
3. The existing zoning classifications;
4. The square footage computation of each lot or parcel. ~~The square footage of land contained in access panhandles and/or private roads may be included in the lot size computation when serving no more than one lot from a right-of-way. Building area shall be demonstrated at time of preliminary review/approval;~~
5. The source of water supply;
6. The method of sewage disposal;
7. A survey prepared by a licensed surveyor registered in the state of Washington. However, if the community development director determines that existing conditions so warrant because of previous development, construction or subdividing, the requirement of a survey of the property to be subdivided may be waived for the preliminary short plat, but a survey shall be required for the final short plat;
8. For the same reasons as stated in subsection (A)(7) of this section, a current ownership certificate from a recognized title company at the preliminary short plat stage

may be waived for the preliminary short plat; however, it shall be required for final short plat approval.

B. Map. A map shall be prepared on a sheet of reproducible material, having dimensions of eight and one-half inches by 14 inches, and containing the following information:

1. The date, scale and north arrow;
2. The boundary lines, to scale, of the tract to be subdivided and each lot contained therein;
3. The dimensions, square footage and number assigned to each proposed lot;
4. All existing structures;
5. All setback dimensions for existing structures; and
6. The location of any sensitive areas as defined by LMC Title 17 as known to the applicant at time of submittal.

This section in Chapter 19.75 – Binding Site Plans mentions the Mayor but only uses the personal pronoun “he.” Updated to say “they.”

19.75.055 Factors to be considered in the preliminary binding site plan.

Development and business services director recommendations and mayoral action on preliminary binding site plans shall be based on review of Chapter 58.17 RCW and other factors that follow:

A. The preliminary binding site plan shall conform to and it shall be the applicant’s burden to demonstrate conformance to the following factors:

1. The Lynnwood comprehensive parks and recreation plan;
2. The Lynnwood zoning code, LMC Title 21;
3. The standards of this title and Chapter 58.17 RCW;
4. The Lynnwood six-year transportation and improvement plan;
5. The standards of LMC Title 17, Environment, as may be amended;
6. The Lynnwood water system comprehensive plan;
7. The Lynnwood comprehensive flood and drainage management plan, as may be amended, and Chapter 13.40 LMC, as may be amended;
8. The compatibility of the binding site plan to the existing adjacent developments;

9. The land clearing code, Chapter 21.08 LMC;
10. The federal flood hazard area map and criteria, Chapter 16.46 LMC; and
11. Other plans and programs as the city of Lynnwood may adopt.

B. The community development director, public works director and mayor shall determine whether appropriate provisions are made for the public use and interest by the proposed binding site plan. More specifically, they shall determine if appropriate provisions are made in the binding site plan for, but not limited to:

1. The public health, safety and general welfare;
2. Open spaces, parks and playgrounds;
3. Storm drainage;
4. Streets, alleys, sidewalks, trails and other public ways;
5. Water supplies; and
6. Sanitary and solid waste disposal.

If it is found that the public use and interest will not be served by the binding site plan, the community development director shall recommend disapproval. If the mayor finds that the public use and interest will not be served they shall disapprove the application. (Ord. 2463 § 15, 2003)

TITLE 21

Title 21 covers the development regulations for all City zones.

The first changes are to definitions. The following proposed change is from “Church” to “Place of Worship” to be more inclusive of community members of different faiths. Following this change are updates to other parts of Title 21 that use the term “Church.”

Another change is to the Outdoor Lighting standards table (Table 21.17.02) references three old zone designations (B-1, B-2, B-3) that no longer exist. They were replaced by the Neighborhood Commercial (NC). The three references to B-1, B-2, and B-3 are replaced with NC.

Chapter 21.02 DEFINITIONS

Sections:

- 21.02.005 Generally.**
- 21.02.010 Accessory.**
- 21.02.011 Accessory dwelling unit.**

21.02.012 Adult establishment(s).
21.02.013 Adult family home.
21.02.014 Adult retail use(s).
21.02.015 Alley.
21.02.020 Alteration.
21.02.025 Amendment.
21.02.030 Amusement center.
21.02.035 Antiques and antique shop.
21.02.040 Apartment hotel.
21.02.045 Apartment house.
21.02.046 Arterial, collector.
21.02.047 Arterial, minor.
21.02.048 Arterial, principal.
21.02.049 Assisted living facility.
21.02.055 Automobile, boat and trailer sales area.
21.02.070 Automobile wrecking.
21.02.075 Automobile wrecking yard.
21.02.077 Awning, nonrigid.
21.02.080 Basement.
21.02.081 Battery charging station.
21.02.082 Battery exchange station.
21.02.085 Billboard.
21.02.087 Biotechnology.
21.02.090 Block front.
21.02.100 Boarding, lodging, or rooming house.
21.02.105 Building area.
21.02.125 Building, enclosed.
21.02.130 Building code.
21.02.136 Building, office.
21.02.145 Building height.
21.02.150 *Repealed.*
21.02.155 Building, main.
21.02.171 Building, service.
21.02.175 Building site.
21.02.180 Bulk.
21.02.190 Business or commerce.
21.02.191 Business park and technical park.
21.02.192 Business services.
21.02.193 Business site.
21.02.194 Business site, individual.
21.02.195 Business site, multiple.
21.02.197 Carnival.
21.02.200 Carport.
21.02.205 Cellar.
21.02.208 Cemetery.
21.02.209 Charging levels.
21.02.211 Child day care.
21.02.212 Child day-care facility.
21.02.213 Child day-care center.
21.02.215 Children – Resident home.
21.02.220 Children – Institutions.
~~21.02.225 Church.~~
21.02.230 Circus.

21.02.232 City.
21.02.235 Clinic.
21.02.240 Club.
21.02.245 Commission.
21.02.246 Common areas.
21.02.247 Community development director.
21.02.250 Conditional use.
21.02.255 Conditional use permit.
21.02.257 Condominium.
21.02.260 Conforming use.
21.02.265 Conforming building.
21.02.266 Congregate care.
21.02.267 Convenience store.
21.02.268 Council, regularly scheduled meeting.
21.02.272 *Repealed.*
21.02.273 *Repealed.*
21.02.274 Development agreement.
21.02.275 Development agreement regulations.
21.02.275.5 Development and business services director.
21.02.276 Distribution center.
21.02.290 Dwelling.
21.02.295 Dwelling, types of.
21.02.300 Dwelling unit.
21.02.304 Electric vehicle.
21.02.308 Electric vehicle charging station.
21.02.312 Electric vehicle infrastructure.
21.02.316 Electric vehicle parking space.
21.02.318 Essential public facility.
21.02.320 Essential public facility, local.
21.02.322 Essential public facility, state and regional.
21.02.325 Family.
21.02.326 Family child care home.
21.02.327 Fast food eating establishment.
21.02.329 Fee simple unit lot subdivision.
21.02.330 Fence.
21.02.333 Festoon.
21.02.335 First permitted.
21.02.340 Floor area.
21.02.350 Floor area ratio.
21.02.355 Fraternity, sorority, or group student house.
21.02.357 Frontage, street.
21.02.358 Frontage, building.
21.02.360 Garage, parking.
21.02.365 Garage, private.
21.02.375 Gas station.
21.02.380 Grade, lot.
21.02.382 Green belt.
21.02.384 Gross leaseable area.
21.02.385 Hazardous waste.
21.02.386 Hazardous waste storage.
21.02.387 Hazardous waste treatment.
21.02.388 Heat pump.
21.02.390 Hedge.

21.02.395 Height of building.
21.02.400 Heliport.
21.02.405 Helistops.
21.02.415 Home occupation.
21.02.417 Homeowners' association.
21.02.420 Hospital.
21.02.425 Hospital, mental (including hospitals for treatment of alcoholics).
21.02.430 Hospital or clinic, small animal.
21.02.435 Hotel.
21.02.441 *Repealed.*
21.02.442 Industrial park.
21.02.450 Junk yard.
21.02.455 Kennel.
21.02.460 Live/work unit.
21.02.465 Livestock.
21.02.475 Lodging house.
21.02.480 Lot.
21.02.485 Lot area and dimensions.
21.02.490 Lot coverage.
21.02.495 Lot lines.
21.02.500 Lot types.
21.02.501 Manufactured home.
21.02.502 Manufactured home development.
21.02.503 Marijuana.
21.02.504 Marijuana concentrates.
21.02.505 Marijuana-infused products.
21.02.506 Marijuana processing.
21.02.507 Marijuana producing or production.
21.02.508 Marijuana retailing or marijuana retailer.
21.02.509 Marijuana, usable.
21.02.510 Medical marijuana collective garden.
21.02.511 Marquee.
21.02.512 Mini-day-care program.
21.02.513 Mobile home.
21.02.514 Mobile home park.
21.02.515 Motel.
21.02.516 Motor hotel.
21.02.517 Municipal services.
21.02.518 Municipal shops.
21.02.519 Mural, decorative.
21.02.520 Nonconforming building or structure.
21.02.521 Nonconforming use.
21.02.525 Nursery school.
21.02.530 *Repealed.*
21.02.531 Occupiable space.
21.02.532 Office, on-site service.
21.02.533 On-site hazardous waste treatment and storage facility.
21.02.535 Open space, required.
21.02.537 Owner.
21.02.540 *Repealed.*
21.02.545 Parent lot.
21.02.550 Parking area, private.
21.02.555 Parking area, public.

21.02.556 Park and pool lots.
 21.02.560 Parking space.
 21.02.563 Parking, tandem.
 21.02.564 Park trailer.
 21.02.565 Person.
 21.02.566 Personal service shop.
 21.02.567 Pet grooming.
 21.02.570 Pet shop.
 21.02.575 Place.
21.02.576 Place of worship.
21.02.577 Planned unit development.
21.02.578 Planning commission.
21.02.579 Premises.
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 21.02.580 Principal use.
 21.02.585 Professional offices.
 21.02.586 Professional services.
 21.02.587 Private road.
 21.02.589 Public entrance, primary.
 21.02.590 Public utility facilities.
 21.02.593 Rapid charging station.
 21.02.595 Reclassification of property.
 21.02.600 Reclassification of use.
 21.02.605 Recorded.
 21.02.609 Recreational area, active.
 21.02.610 Recreational area or community club house, noncommercial.
 21.02.612 Recreational vehicle – RV.
 21.02.615 Recreational area, commercial.
 21.02.617 Recycling collection center.
 21.02.622 Refuse and recycling collection area.
 21.02.624 Research and development.
 21.02.625 Residence.
 21.02.627 Respite care.
 21.02.640 Sanitarium.
 21.02.645 Schools, elementary, middle and high.
 21.02.650 Screening.
 21.02.655 Secondhand stores.
 21.02.657 Secure community transition facility (SCTF).
 21.02.658 Self-service storage facility.
 21.02.659 Senior housing.
 21.02.660 Service station, full.
 21.02.661 Service station, self.
 21.02.662 Setback.
 21.02.663 Setback, building line.
 21.02.664 Shipping container.
 21.02.665 Shopping center.
 21.02.666 Sign.
 21.02.667 Sign, awning.
 21.02.670 Sign, banner.
 21.02.672 Sign, business.
 21.02.674 Sign, construction.

21.02.676 Sign, electronic changing message.
21.02.678 Sign face.
21.02.679 Sign, feather.
21.02.680 Sign, freestanding.
21.02.682 Sign, ground.
21.02.685 Sign, incidental.
21.02.687 Sign, individual letter.
21.02.688 Sign, inflatable.
21.02.689 Sign, institution identification.
21.02.690 Sign, internal information.
21.02.692 Sign, nonconforming.
21.02.694 Sign, marquee.
21.02.695 Sign, monument.
21.02.697 Sign, mural.
21.02.698 Sign, off-premises.
21.02.700 Sign, on-premises.
21.02.702 Sign, pole.
21.02.704 Sign, political.
21.02.705 Sign, portable.
21.02.707 Sign, projecting.
21.02.708 Sign, readerboard.
21.02.710 Sign, real estate.
21.02.711 Sign, real estate open house or directional.
21.02.713 Sign, residential development identification.
21.02.715 Sign, roof.
21.02.716 Sign, sale of household goods.
21.02.718 Sign, wall.
21.02.720 Sign area.
21.02.722 Solar collector.
21.02.723 Solar energy system.
21.02.725 Solar greenhouse, attached.
21.02.726 Solar sunspace, attached.
21.02.728 Specialty retail center.
21.02.730 Specified sexual activities.
21.02.731 Specified anatomical areas.
21.02.733 Stand.
21.02.735 Story.
21.02.737 Street.
21.02.738 Street line.
21.02.740 Street, principal.
21.02.741 Street, side.
21.02.743 Structure.
21.02.744 Supervised drug consumption facilities.
21.02.745 Temporary special event.
21.02.746 Trade or business school.
21.02.748 Theater.
21.02.750 Theater, drive-in.
21.02.755 To place.
21.02.760 Townhouse.
21.02.765 Trailer park, trailer court, mobile home park and public trailer camp.
21.02.770 Unit lot.
21.02.775 Use.
21.02.780 Use or structure, accessory.

- 21.02.785 Use or structure, conditional.
- 21.02.795 Use or building, principal.
- 21.02.800 Variance.
- 21.02.803 Warehouse.
- 21.02.805 Wireless communications facility.
- 21.02.806 Wireless communications facility, attached.
- 21.02.807 Wireless communications support structure.
- 21.02.810 Wholesale store.
- 21.02.815 Yard.
- 21.02.820 Yards, types and measurements.
- 21.02.825 Yard, rear line of required front.
- 21.02.827 Zero lot line townhouse development.
- 21.02.830 Zone.

~~21.02.225 Church.~~ 21.02.576 Place of worship.

“~~Church~~” “Place of worship” means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including ~~Sunday school rooms and~~ religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and one-family dwelling unit and residences on-site for ~~nuns and clergy~~ religious leaders, but excluding facilities for training of religious orders.

21.02.046 Arterial, collector.

“Collector arterial” means a street which collects and distributes traffic from higher type arterial streets to access streets or directly to traffic destinations and serves neighborhood traffic generators such as a store, a small group of stores, elementary school, ~~church~~ place of worship, clinic, or apartment area.

21.02.689 Sign, institution identification.

“Institution identification sign” means a permanent sign used to identify a particular institution such as a school or ~~church~~ place of worship.

21.16.290 Residential Signs

Only the following signs are permitted:

A. Occupant Identification, Home Occupation and Child Day-Care Center Signs. A sign identifying the occupants of a residence or home occupation on which premises the sign is located, providing:

1. There shall not be more than one sign per dwelling unit;
2. The maximum size of a child day-care sign shall be six square feet for a sign placed flat against the wall of a building, or six square feet and not more than 42 inches high for a freestanding sign. The maximum size of an occupant identification sign or a home

occupation sign shall be two square feet for a sign placed against the wall of a building, or two square feet and not more than 24 inches high for a freestanding sign;

3. Freestanding signs shall be permanently installed and shall be set back a minimum of five feet from a right-of-way;

4. There shall be no internal illumination of, nor external illumination directed at, the sign; and

5. The components of the sign shall not be temporary or removable.

B. Restrictions or Danger in Use of Premises. Signs no larger than two square feet referring to the restrictions or danger in use of premises on which the sign is located, including, but not limited to, "no trespassing," "beware of dog," and "electrified fence" signs.

C. On-Site Sale of Household Goods. Signs advertising sale of household goods, for example, garage and yard sales, providing such signs:

1. Do not exceed four square feet in area per side;

2. Are attached to a wall or mounted in the ground on the site where the sale would occur;

3. Are placed no more than one day prior to sale and removed within one day following sale;

4. Shall only be used for the sale of household goods and shall not be used for home occupations or any other residential or commercial purpose;

5. Portable off-premises sale of household goods signs are allowed providing such signs:

a. No more than three off-premises signs for sale of household goods are allowed. These signs may be located along the edge of street rights-of-way; however, they shall not be located on or overhang street pavement, street medians, sidewalks or any area where people walk, ride bicycles, drive or park vehicles;

b. May be located on property other than that where household goods are for sale with the permission of the property owner where sign is placed. These signs shall not be fastened to any telephone or utility pole, fence, traffic control device, public structure, rock, tree or shrub;

6. Shall not be located on city park property or within public rights-of-way adjacent to city park property.

D. Real Estate Signs.

1. Signs advertising the sale, rental or lease of property, providing such signs:

a. Do not exceed 10 square feet per side, do not exceed five feet in height and are attached to a wall or mounted in the ground on the site for sale, rent or lease only so as to prevent such signs from becoming a hazard to pedestrians or motorists for individual developed single-family lots;

b. Do not exceed 32 square feet in area per side and subject to the location, number and height regulations of LMC 21.16.310(I) for the following: tracts of undeveloped land; tracts of partially developed land which may be developed at a higher density; and subdivisions; and

c. Are removed once the property and/or buildings being advertised are sold, rented or leased.

2. Portable off-premises real estate open house and directional signs are allowed providing such signs:

a. Shall only be used for sale, lease or rental of real property and shall not be used for home occupations or any other residential or commercial purpose;

b. May be within the public right-of-way located along the edge; however, they shall not be located on or overhang street pavement, street medians, sidewalks or any area where people walk, ride bicycles, drive or park vehicles;

c. In number are no more than the minimum necessary to direct the public from principal and minor arterials in the city to property for sale, lease or rent and no more than one sign per agent, property manager or seller shall be placed per street intersection;

d. May be located on property other than that for sale, lease or rent with permission of property owner where the sign is located. These signs shall not be fastened to any telephone or utility pole, street light, traffic control device, public structure, fence, rock, tree or shrub;

e. Shall not exceed four square feet per side;

f. Shall only be placed when agent, seller or property manager is at the property for sale, lease or rent and only on Saturday and Sunday during daylight hours, and only on Wednesdays from 10:00 a.m. to 3:00 p.m.;

g. Shall not be located on city park property or within public rights-of-way adjacent to city park property.

The above described signs do not require a sign permit, but this exemption shall not relieve the owner of the sign from the responsibility for its conformance with this section.

E. Construction Signs. Construction signs providing such signs:

1. Do not exceed 10 square feet per side, and do not exceed five feet in height for individual developed single-family lots. Such signs may be attached to a wall or mounted in the ground on the site of construction so that such signs are not a hazard to pedestrians, bicyclists or motorists for individual developed single-family lots. Such signs shall be removed at the time permitted construction receives final approval by the city;

2. Do not exceed 32 square feet per side and comply with the regulations of LMC 21.16.280 for the following: tracts of undeveloped land; tracts of partially developed land that may be developed at a higher density; subdivisions and development in multiple-family zones.

The above signs do not require a sign permit, but this exemption shall not relieve the owner of such signs from the responsibility for compliance with this section.

F. Residential Development or Institution Identification Signs. Ground signs which identify residential developments such as subdivisions and apartment complexes or institutional uses such as churches places of worship and schools providing such signs:

1. Are located within the development or site so identified;
2. Do not exceed one per street frontage;
3. Comply with the ground sign regulations in LMC 21.16.310 except for the regulation prohibiting removable letters; and
4. Such signs shall require a sign permit.

G. Signs for Offices in Multiple-Family Zones. There shall be no signs allowed except wall signs, ground signs, and building directories. All wall and ground signs shall conform to the requirements and criteria of LMC 21.16.310. All wall signs shall be noninternally illuminated, except for individual letter signs and signs with opaque sign face backgrounds that only allow letters and/or business logos or graphics to be visible at night. Wall signs on building facades oriented toward nearby residential zones shall not be illuminated.

Table 21.17.01

LIGHTING ZONE	Recommended Uses or Areas	Zoning Considerations
LZ-1	Lighting Zone 1 pertains to areas where low ambient lighting levels are desirable. These typically include single- and two-family residential communities, and other areas with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for low density residential areas. Includes single- or two-family residential districts, and open space including preserves in developed areas.
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, <u>churches places of worship</u> , hospitals, hotels/motels, commercial and/or business areas with evening activities embedded in predominately residential areas, recreational and playing fields serving neighborhoods, and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	Recommended default zone for light commercial business districts, business parks and high density or mixed use residential districts. Includes neighborhood business districts, <u>churches places of worship</u> , schools and neighborhood recreation facilities, and light industrial zoning with modest nighttime uses or lighting requirements.

LIGHTING ZONE	Recommended Uses or Areas	Zoning Considerations
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high nighttime activity, high use recreation and playing fields, regional shopping malls, car dealerships, gas stations, and other retail areas with outdoor nighttime activity.	Recommended default zone for general business districts. Includes business zone districts and industrial and/or manufacturing zone districts.

Table 21.17.02

LIGHTING ZONE	ZONING DISTRICT	USES
LZ-1	RS-8, RS-7, RS-4, RML, RMM, P1	Single-family, low/medium density multifamily, mobile home parks, city low-use neighborhood parks
LZ-2	RMH, MHP, B1, B2, B3, NC, CDM, HMU, BTP, P1	High-density multifamily, mobile home parks, neighborhood-oriented business, business parks, churches places of worship, schools, larger city parks, office buildings
LZ-3	CG, PRC, PCD, CC-C, CC-W, CC-N, ACC, CR, LI, P1	High-intensity commercial areas along arterials, Alderwood Mall, Transition Area, EDCC, Meadowdale Playfields, medium-intensity light industrial, car dealerships, office buildings

Table 21.18.20: Parking Occupancy Rates

Use ^(a)	Weekdays ^(a)			Weekends ^(a)		
	Day (7:00 a.m. – 6:00 p.m.)	Evening (6:00 p.m. – 11:00 p.m.)	Night (11:00 p.m. – 7:00 a.m.)	Day (8:00 a.m. – 5:00 p.m.)	Evening (5:00 p.m. – 12:00 a.m.)	Night (12:00 a.m. – 8:00 a.m.)
Residential	60%	100%	100%	80%	100%	100%
Office/Industrial/Warehouse	100%	20%	5%	5%	5%	5%
Retail/Commercial	90%	80%	5%	100%	79%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70% ^(b)	100%	10%	70% ^(b)	100%	20%

Table 21.18.20: Parking Occupancy Rates

Use ^(a)	Weekdays ^(a)			Weekends ^(a)		
Theater (Movie or Live)	40%	80%	10%	80%	100%	10%
Entertainment/Recreation	40%	100%	10%	80%	100%	10%
Convention/Conference	100%	100%	5%	100%	100%	5%
<u>Church Place of Worship/Religious Institution</u> ^(c)	10%	5%	5%	100%	50%	5%

(a) Weekends are the period from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

(b) Fast food and breakfast/lunch oriented facilities = 100%

(c) The development and business services director, on finding that a religious institution place of worship holds its primary religious services during a non-“weekend” period, may require “weekend” parking on the appropriate weekday(s) and/or allow “weekday” parking on Saturday and/or Sunday. In making such determination, the director may consider parking studies at comparable institutions or may require a site-specific study.

21.30.950 Permissive variations in requirements

In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements, and standards of the zone in which the project is located so as to appropriately apply such regulations, requirements, and standards to the larger site. In modifying such regulations, requirements, and standards as they may apply to a planned unit development project, the following limitations shall apply:

A. Yards and Site-Screening. The requirements for yards and site-screening which would normally apply to the uses within the planned unit development, if those uses were being developed in a conventional use zone, shall apply in a planned unit development unless other proposals are approved as part of the preliminary planned unit development. Such proposals shall be accompanied by supporting material demonstrating that the variations would provide equal or greater protection to adjacent or nearby properties.

B. Number and Type of Dwelling Units. In a residential planned unit development, the allowed number of units may be arranged into the types of structures allowed in higher density zones. The number of dwelling units permitted in any R zone shall be determined by dividing the net development area by the minimum lot area per dwelling unit required in the zone in which the area is located.

Reductions in lot size requirements when parking spaces are placed within the building structure shall not apply to planned unit developments. Net development area shall be determined by subtracting from the total development area the area set aside for churches places of worship, schools or commercial use and the amount of land that would be required for streets if the land was developed under standard provisions instead of PUD. In RS zones, street right-of-way requirements under standard subdivision practices may be assumed to be 15 percent unless demonstrated otherwise.

C. Permitted Residential Site Coverage. The permitted percentage of coverage by residential buildings and structures for the net development area as determined in subsection (B) of this section shall not exceed the percentage of coverage permitted in the zone in which the project is located.

D. Permitted Nonresidential Site Coverage. The site coverage permitted for the nonresidential uses shall be solely in the discretion of the city council; in exercising its discretion, the city council shall be guided by the density and uses permitted on lands affected by this PUD, the objectives of the comprehensive plan, the site coverage permitted by the existing zoning, any fire hazards and the ability to provide fire protection and other emergency services, the amount of area needed for parking and open space to cause this PUD to be compatible to adjacent lands and uses, and such additional information as the city council determines to be relevant to its deliberation.

E. Off-Street Parking. An off-street customer parking plan shall be provided in connection with the preliminary planned unit development application, conforming to the standards of this title for the number of stalls and dimensional standards. Any proposed variations from the dimensional standards shall be shown on the parking plan and shall be accompanied by supporting material justifying the variations. The parking plan may also provide for flexibility in the number of parking stalls by designating a part of the parking plan to be made available upon demand by the city council or their designee. Such reserve parking capacity shall be guaranteed by bond or other appropriate guarantee. The land to be reserved for potential parking improvements shall be improved with an interim landscaping, but the preliminary approval may provide that existing vegetation may be retained in lieu of the landscaping.

21.42.400 Accessory structures and uses.

A. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system complies with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

C. Keeping Small Animals as Pets.

1. The keeping of small animals as pets shall be permitted as an accessory use.
2. Livestock, Except Chickens and Miniature Goats. The keeping of livestock (except chickens and miniature goats; see subsections (C)(3) and (C)(4) of this section) shall not be permitted except that an occupant shall be able to keep one animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 square feet and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line, except for those provisions provided for chickens and goats, below. An accessory building for the housing of small animals or fowl (except chickens, see below) shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property.
3. Chickens. The keeping of chickens for personal use of the household (eggs shall not be sold) shall be permitted subject to the following:
 - a. A maximum of five chickens may be kept per lot associated with a single-family residential dwelling unit.
 - b. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the chickens from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor or noise nuisances, and must be kept in a clean and well-maintained condition at all times.
 - i. The enclosed shelter shall provide a floor, walls, and roof and shall be a minimum of four square feet per chicken.
 - ii. The outdoor pen (a ground level roaming area) shall be a minimum of eight square feet per chicken.
 - iii. Pens and shelters shall be constructed so as to discourage predators.
 - iv. The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing an adjacent residence shall be sight obscuring through the use of a solid fence.
 - v. Electricity provided to the shelter will require an electrical building permit.

- c. Bedding/manure shall be composted or bagged and tied and placed within garbage dumpsters.
 - d. Roosters shall be prohibited.
 - e. Chickens shall not be processed on premises. Infected chickens with diseases harmful to humans shall be removed.
4. Goats. The keeping of miniature goats for personal use of the household (no commercial uses) shall be permitted subject to the following:
- a. Miniature breeds of goats include the following: pygmy, Nigerian dwarf and pygora or similar breeds (based on height and weight). Adult goats shall not exceed 30 inches measured from the withers or weigh more than 100 pounds. The wither is the ridge between the shoulder blades of the goat.
 - b. A maximum of three miniature goats may be kept per lot associated with a minimum of 7,200-square-foot lot area of a single-family residential dwelling unit. Nursing offspring may be kept until weaned, no longer than 12 weeks after birth.
 - c. Male goats must be neutered.
 - d. All goats must be dehorned.
 - e. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the goats from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor nuisances, and must be kept in a clean and well maintained condition at all times.
 - i. The shelter shall provide walls, a roof and a door.
 - ii. The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing an adjacent residence shall be sight obscuring through the use of a solid fence.
 - iii. Electricity provided to the shelter will require an electrical building permit.
 - iv. No confinement area shall be located within a critical (sensitive) area or their buffers.
 - f. Goats shall not be slaughtered on premises.
 - g. Goats over 12 weeks old shall be annually licensed per the current fee schedules adopted for dogs in the city of Lynnwood.
5. The keeping of mink, goats (with the exception of miniature breeds permitted under subsection (C)(4) of this section), foxes, or hogs is prohibited.

D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, ~~church~~ place of worship, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

E. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g., occupants of a single-family home, employees and members of the congregation in the case of a religious institution). The electric vehicle charging station shall not be open for use to the general public.

F. Shipping container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones.

21.43.400 Accessory structures and uses.

A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH zones as long as they adhere to the side yard, rear yard and front yard setbacks as required herein for the applicable zone. In the RML zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.

B. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system complies with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

C. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted.

E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, ~~church~~ place of worship, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

F. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging stations are allowed as an accessory use but shall be privately owned with restricted access (e.g., renters of a multiple-family dwelling complex, employees and members of the congregation in the case of a religious institution). The electric vehicle charging station shall not be open for use to the general public.

G. Shipping container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in residential zones.

21.44.100 Uses Allowed

A. Permitted Uses (and Accessory Uses As Determined by the Community Development Director).

1. Residential Uses. All uses which are permitted in the RS-8 single-family residential zone are permitted.

2. Institutional Uses. The following uses are permitted, subject to the standards of this chapter:

- a. Churches; Places of Worship;
- b. Private or semiprivate memorial buildings;
- c. Community clubhouses, convention centers, public golf courses, and accessory uses;
- d. Art galleries, libraries, and museums;
- e. Private and public schools, universities and colleges;
- f. Child day care;
- g. Public parks, playgrounds, and schools;
- h. Municipal buildings, including fire stations, and performance arts facilities, as well as any accessory building, related to a municipal use;
- i. Clubs or fraternal societies;
- j. Transit center;
- k. Park-and-ride lots; and
- l. Existing wastewater treatment plant

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 conditional 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 with 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 involves 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 development and business services director if the proposed alteration meets the following criteria:

1. The alteration does not expand the treatment capacity of the plant.
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.

Table 21.46.04

Institutional Uses	NC	PCD	CG
Adult Day Care Centers	P	P	P-X
Child Day Care	P	P	P-X
Churches <u>Place of Worship</u>	P	P	P-X
Assisted Living, Congregate Care and Senior Housing*	P	P	P
Libraries, Museums, Art Galleries and similar institutions	P	P	P-X
Municipal Services	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	P	P	P
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	P	P	P-X

21.54.100 Land Use

A. Commercial Uses. Except as specifically stated otherwise in this section, all land uses permitted “by right” in the city center zones are permitted “by right” in this zone. All land uses permitted with approval of a conditional use permit in the city center zones are permitted with approval of a conditional use permit in this zone.

B. Residential Uses. Multifamily residential uses are permitted, provided the multifamily residential use is part of a mixed-use building or is on property that has commercial uses. Multifamily residential development without commercial uses on the property shall not be permitted.

C. Conditional Uses. Notwithstanding the regulations of the city center (CC) zones, 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 any other facility that provides services to customers in vehicles.
3. ~~Church~~ Place of worship.
4. Home improvement stores
5. Carpeting or floor covering stores.

6. Furniture stores.
7. Battery exchange station (electric vehicle).

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 sale 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.
2. Gas or service stations as a principal use.
3. Dry cleaning plants.
4. Appliance or small engine repair.
5. Self-service storage or cold storage lockers.
6. Agricultural and horticultural activities (including plant nurseries). Florist shops are permitted.
7. Marijuana and marijuana-infused products retail sales, processing or production.
8. Medical marijuana collective gardens.
9. Supervised drug consumption facilities.

The following changes are to the definitions section (Chapter 21.02) of Title 21.

The signing of SB 5235 into law prohibits cities from regulating the number of unrelated persons that occupy a household or dwelling unit. Adding a definition for Household and updating the definition for Dwelling unit and Family aligns our definitions with state law.

21.02.300 Dwelling unit

“Dwelling unit” means one or more rooms designed for or occupied by one or more persons family for living or sleeping purposes and containing kitchen facilities for use solely by the

~~occupants one family~~. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

21.02.325 Family

“Family” means ~~an individual or~~ two or more persons related by blood, marriage, domestic partnership, or adoption including foster children and exchange students. ~~or a group of not more than five persons, excluding domestic employees, who need not be related by blood or marriage living together in a dwelling unit as a family unit and who are cooking and living as a single housekeeping unit.~~ For the purposes of this definition, and notwithstanding any other provision of this code, children with familial status within the meaning of 42 U.S.C. 3602(k), and persons with handicaps within the meaning of 42 U.S.C. 3602(h), will not be counted as unrelated persons.

21.02.440 Household

“Household” means all the people who occupy a dwelling unit, regardless of relationship. Examples of a household include a person living alone in a dwelling unit, multiple related people sharing a dwelling unit; or unrelated people sharing a dwelling unit such as partners or roommates.

LMC 21.02.295 defines the types of dwellings allowed in Lynnwood. The following changes replace “family” with “household” in the definition of dwelling unit types to be consistent with SB 5235.

Other changes align the definitions with terms used throughout the code, such as “Single-Family” instead of “One-Family” or “Multiple-Family” instead of just “Multiple”. References to the term family are changed to household to reflect that individuals also live in single-family homes or multiple-family units.

21.02.295 Dwelling, types of.

- A. Dwelling, Group. “Group dwelling” means more than two separate buildings, each containing one or more dwelling units.
- B. Dwelling, ~~One~~ Single-Family. “~~One Single~~-family dwelling” means a detached building or zero lot line attached building with one common wall on an individual lot containing one dwelling unit and designed for occupancy by one household per lot. ~~designed exclusively for occupancy by one family and containing one dwelling unit per lot.~~
- C. Dwelling, Two-Family (Duplex). “Two-family dwelling or duplex” means a building designed exclusively for occupancy by two ~~families~~ households living independently of each other, and containing two dwelling units.
- D. Dwelling, Multiple-~~Family~~. “Multiple-Family dwelling” means a building designed exclusively for occupancy by three or more ~~families~~ households living independently of each other, and containing three or more dwelling units.
- E. Accessory Dwelling Unit. “Accessory dwelling unit” is defined in LMC 21.02.011 as a second dwelling unit on a premises occupied by a single-family detached dwelling. This unit provides a

separate and completely independent dwelling unit with facilities for cooking, eating, sanitation and sleeping.

The following change removes “public” from the definition of a Frontage Street because “streets” are already defined as public right-of-ways.

21.02.357 Frontage, street.

“Street frontage” means the length of the lot line which abuts a ~~public~~ street not including alleys.

The following change to the Landscaping code (LMC 21.08) is to tables 21.08.03, 21.08.06, 21.08.07, and 21.08.09. The tables add “or” to clarify that at minimum only one size of tree size is required in landscape strips (not all three sizes at once: small, medium, or large).

21.08.350 Parking area landscaping standards.

A. Purpose. The parking area landscaping standards in this section explain the zones, location, and amount of landscaping required for parking lots, service yards, parking structures, and outdoor display areas.

B. Surface Parking Lot Frontage Strip, Service Area Strip, and Outdoor Display Area Landscaping.

1. For properties containing a surface parking lot, service area, or outdoor display area, a landscaping strip must be installed as required by the following Table 21.08.02:

Table 21.08.02: Required Parking Lot Frontage, Service Area and Outdoor Display Area Landscaping

Zone(s)	Location of Parking Lot, Service Area or Outdoor Display Area	Type of Parking Lot, Service Area or Outdoor Display Area	Landscape Strip Required
Surface Parking Lot: All zones except: Light Industrial (LI), Business and Technical Park (BTP), or Commercial-Residential (CR)	Between building and right-of-way.	Single aisle, double-loaded parking lot between building and any right-of-way.	A
		Multi-aisle parking lot between building and any right-of-way.	B
Surface Parking Lot: Business and Technical Park (BTP) or Light Industrial (LI)	Anywhere on site, unless completely surrounded by buildings and not viewable from the right-of-way.	All parking lots.	A

Table 21.08.02: Required Parking Lot Frontage, Service Area and Outdoor Display Area Landscaping

Zone(s)	Location of Parking Lot, Service Area or Outdoor Display Area	Type of Parking Lot, Service Area or Outdoor Display Area	Landscape Strip Required
Surface Parking Lot: Commercial-Residential (CR)	Between building and right-of-way.	All parking lots.	B
Service or storage yards in any zone	Anywhere on site.	All service or storage yards.	SERV
Outdoor display areas in PRC zone	Anywhere on site.	All outdoor display areas.	OUTDOOR

2. The requirements for the type of landscape strip required in Table 21.08.02 are detailed in the following Table 21.08.03:

Table 21.08.03: Parking Lot Frontage, Service Yard, and Outdoor Storage Area Landscape Strips

Type	Location	Minimum width	Minimum number of trees per linear feet of frontage	Minimum number of shrubs or fence requirements
A	Between property line abutting the right-of-way and parking lot.	10 ft	1 small tree per 15 linear ft, <u>or</u> 1 medium tree per 22 linear ft. A combination of sizes is allowed per 21.08.300.C.2.	2 per 20 sf
B	Between property line abutting the right-of-way and parking lot.	15 ft	1 small tree per 15 linear ft, <u>or</u> 1 medium tree per 22 linear ft. A combination of sizes is allowed per 21.08.300.C.2.	2 per 20 sf
SERV (Service Yard)	Any area between service yard and right-of-way.	Entire area between service yard and ROW	One row of trees 10 ft on center	Solid vision-obscuring fence or hedge minimum 4 feet (mature) height and max 6 feet. Locate at edge of service yard.
OUTDOOR (Outdoor Display Area)	Anywhere on site.	5 ft along any side; 10 ft along entire street frontage if applicable	One row of trees Min 6 ft tall at planting 15 ft on center	Vision-obscuring fence max 6 ft high at edge of outdoor display area.

3. Trees may be located in abutting street right-of-way if they comply with Citywide Design Guidelines and are approved by public works.

4. Walls. An optional continuous masonry wall three feet in height above the ground directly below it may be added to a frontage landscape strip. The wall must be placed abutting the parking lot edge. The wall must include decorative masonry patterns, brick, stone, or cast stone and decorative bands of masonry such as soldier course of brick or multicolored stone. The wall may include wrought iron or wood details such as lattice work that extend an additional two feet in height above the wall.

C. Parking Lot Interior Landscaping.

1. Landscaping within the interior of a surface parking lot area is intended to reduce the visual blight that large, unbroken areas of pavement create, increase stormwater absorption, and reduce the urban heat island effect. For surface parking lot interior landscaping types, the following standards shall apply to all zones except the Highway 99 Mixed Use zone (HMU):

a. Interior landscaping areas shall be at least 25 square feet in area and at least three feet wide.

b. No parking stall shall be located more than 45 feet from a landscaped area.

c. All interior landscaping must be located between parking stalls or at the end of striped parking columns.

d. Interior landscaped islands or peninsulas must be surrounded on at least three sides by parking lot surface.

e. Where feasible, bioswales or stormwater low impact development (LID) techniques may be installed in the planting islands, peninsulas, or areas.

2. Parking Lot Interior Landscaping. The amount of landscaping per parking space must be installed and maintained within the interior of a surface parking lot per the following Table 21.08.04. The following Table 21.08.04 applies to all non-single-family residential uses in residential zones, and to all uses in multifamily residential, commercial, and industrial zones with the exception of the Highway 99 Mixed Use zone:

Table 21.08.04: Parking Lot Interior Landscaping Requirements

Parking spaces proposed	Interior Landscaping Required (square feet)	
	Interior landscaping per space	If providing more than minimum required parking (unless located in the rear yard and not abutting a right-of-way – then smaller values in column to the left apply)
Less than 10	0	8
11 – 48	28	32

Table 21.08.04: Parking Lot Interior Landscaping Requirements

Parking spaces proposed	Interior Landscaping Required (square feet)	
	Interior landscaping per space	If providing more than minimum required parking (unless located in the rear yard and not abutting a right-of-way – then smaller values in column to the left apply)
49 – 100	32	38
101 and more	38	44

3. Highway 99 Mixed Use Zone Parking Lot Interior Landscaping. The amount of landscaping per parking space must be installed and maintained within the interior of a surface parking lot for Highway 99 Mixed Use zoned properties per the following Table 21.08.05:

Table 21.08.05: Highway 99 Mixed Use Zone Parking Lot Interior Landscaping Requirements

Parking spaces proposed	Interior Landscaping Required per Space (square feet)	
	Interior landscaping per space	If providing more than minimum required parking (unless located in the rear yard and not abutting a right-of-way – then smaller values in column to the left apply)
Less than 10	0	8
10 – 30	20	25
31 or more	25	32

4. Trees for Parking Lot Interior Landscaping. The number of trees required within the parking lot (excluding any frontage or buffer strip tree requirements) must be calculated per the following Table 21.08.06:

Table 21.08.06: Parking Lot Interior Landscaping Tree Requirements

Zone	Number of Trees
All zones except: Highway 99 Mixed Use and Commercial-Residential Zone	1 Large Tree per 7 Parking Spaces, <u>or</u> 1 Medium Tree per 4 Parking Spaces, <u>or</u> 1 Small Tree per 3 Parking Spaces. At Least 50% Shall Be Medium or Large Trees. A combination of sizes is allowed per 21.08.300.C.2.
Highway 99 Mixed Use (HMU) Zone	1 Large Tree per 6 Parking Spaces, <u>or</u> 1 Medium Tree per 3 Parking Spaces, <u>or</u> 1 Small Tree per 2 Parking Spaces. At Least 50% Shall Be Medium or Large Trees. A combination of sizes is allowed per 21.08.300.C.2.

Table 21.08.06: Parking Lot Interior Landscaping Tree Requirements

Zone	Number of Trees
Commercial-Residential Zone (CR)	1 Tree per 6 Parking Spaces. At Least 50% Shall Be Medium or Large Trees

5. Expanding Parking Lots.

a. When an applicant proposes to expand an existing parking lot, the amount of interior landscaping per parking space must be based on the total amount of parking provided after expansion.

Example:

Existing parking spaces:	10 spaces
	+
Additional parking spaces proposed:	15 spaces
Total size of expanded parking lot =	25 spaces
Interior landscaping per space (not HMU) =	28 sf

b. The amount of interior landscaping required shall be multiplied by the number of new spaces proposed. The result is the number of square feet of landscaping to be provided only in the new, expanded parking lot area. Interior landscaping within the existing parking lot shall not count toward the interior landscaping required by the proposed parking.

Example:

Additional parking spaces proposed:	15 spaces
	X
Interior landscaping per space (not HMU) =	28 sf
Interior landscaping required in new parking area =	420 sf

D. Parking Structure Landscape Strip Requirements.

1. Landscaping must be installed and maintained at ground level on all sides of a parking structure as stated in the following Table 21.08.07:

Table 21.08.07: Parking Structure Parking Strip Types

Parking structure's zone	Minimum width abutting ROW	Minimum width abutting private street, access easement, or driveway	Minimum width abutting other sides of parking structure	Minimum number of trees	Groundcover
Parking Structure in Any Zone Except for ACC or CC Zone	25 feet	15 feet	10 feet	1 large tree per 30 linear feet, <u>or</u> 1 medium per 22 linear feet, <u>or</u> 1 small per 15 linear feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per 21.08.300.C.2.	3 feet max mature height shrubs. Remainder planted with vegetative groundcover.
Parking Structure in ACC Zone	10 feet	15 feet	10 feet	1 small, medium, or large tree per 150 square feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per 21.08.300.C.2.	3 feet max mature height shrubs. Remainder planted with vegetative groundcover.
Parking Garage in a CC Zone	Parking structures fully screened in accordance with the City Center Design Guidelines are not required to provide landscape strip buffers abutting ROW or streets, easements, or driveways. If a parking structure does not meet these standards the parking structure shall comply with requirements for parking structures in the ACC zone.				

21.08.400 Buffer area landscaping standards

A. A landscape buffer is required to screen development on the property from uses and development on abutting properties, in accordance with this section.

B. Location. When a landscape buffer is required it shall be placed at the property line; provided, that a buffer is not required when the properties are separated by a right-of-way.

1. If a site's property line abuts more than one adjoining zoning designation, the applicant must provide a gradual transition between the different required buffer types. The transition must be complete at the start of the larger buffer or the larger buffer may be used in lieu of the smaller buffer for the entire length of landscaped buffer area.

C. Landscape Buffer Size. The landscape buffer types, listed in the first column of Table 21.08.09 below, are used in Table 21.08.08 below (low, medium, high). The landscape buffer is required when a zoned property abuts a differently zoned property as explained by the table below:

Table 21.08.08: Location and Type of Required Landscape Buffer

Zone of the Subject Property		Zone Abutting the Subject Property					
		RS	RM	NC	PCD	CR	P-1
Residential Zones	Single-Family – Nonresidential Uses Only (RS)	Medium	-	-	-	-	-
	Multifamily Low and Medium (RML and RMM)	Medium	-	-	-	-	-
	Multifamily High (RMH)	Medium	-	-	-	-	-
Commercial Zones	Alderwood City Center (ACC)	-	-	-	-	-	-
	Neighborhood Commercial (NC)	Medium	Medium	-	-	-	Medium
	General Commercial (CG)	High	Medium	-	-	-	Medium
	Planned Commercial Development (PCD)	High	Medium	-	-	-	Medium
	Planned Regional Center (PRC)	High	Medium	-	-	-	Medium
Mixed Use Zones	College District Mixed Use (CDM)	-	Medium	-	-	-	-
	Commercial Residential (CR)	High	Medium	-	-	-	Medium
	Hwy 99 Mixed Use (HMU)	High	Medium	-	-	-	-
City Center Zones	All City Center Zones (CC-C, CC-W, CC-N)	High	Medium	-	-	-	-
Industrial Zones	Light Industrial (LI)	High	High	Low	Low	Low	Medium
	Business/Tech Park (BTP)	High	High	Low	Low	Low	Medium
Public Zones	Public (P-1)	Medium	-	-	-	-	-

Notes: (-) indicates no landscaping buffer required. If a zone is not listed along the top row (zone abutting property under development), no landscaping buffer is required.

D. Landscape Buffer Types. Where landscape buffer strips are required, one or more of the following landscape buffer types shall be placed along the entire property line between incompatible uses:

Table 21.08.09: Buffer Strip Types

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
Low (L)	5 ft	1 small per 15 lineal feet.	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.
Medium (M)	10 ft	1 large per 30 lineal feet, or 1 medium tree per 22 lineal feet, or 1 small per 15 lineal feet.*	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.

Table 21.08.09: Buffer Strip Types

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
High (H)	20 ft	1 large per 30 lineal feet. <u>or</u> 1 medium per 22 lineal feet. A combination of sizes is allowed per 21.08.300.C.2.	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence <u>or</u> Row of shrubs reaching 3 ft max or Berm (see below).
Berm in lieu of buffer (3 to 4 feet in height, grade no steeper than 2:1)	20 ft	1 large per 30 lineal feet. <u>or</u> 1 medium per 22 lineal feet. May be planted in a row or staggered on the slope closest to the property line. A combination of sizes is allowed per 21.08.300.C.2.	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	Fence not required. A row of shrubs to ensure a 6-foot total height from surrounding grade.

LCM 21.17 Outdoor Lighting Standards requires certain lighting levels for various types of buildings, parking lots, and other developments.

However, it does not require owners to maintain these approved outdoor lighting areas in good working order. This change allows DBS staff to require property owners to repair outdoor lighting if it fails to meet the lighting levels of the originally approved design.

21.17.050 General requirements.

A. The following general requirements shall apply to all proposed outdoor lighting:

1. Site lighting trespass onto adjacent residential properties shall be minimized;
2. Site lighting shall minimize light spillage into the night sky;
3. Outdoor lighting shall be controlled by either a combination of a photo sensor and a time switch or an astronomical time switch. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours;
4. Approved fixtures and lighting systems ~~used for safety and security~~ shall be maintained in good working order and in a manner that serves the original design intent of the system; and
5. The applicant shall submit to the city a site lighting plan to enable a determination that the applicable provisions of this chapter will be satisfied.
 - a. The outdoor lighting plan shall include the following:

- i. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures;
 - ii. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
 - iii. If building elevations are proposed for illumination, drawings shall be provided for all building elevations showing fixtures, portions of the elevations to be illuminated, illumination levels of the elevations, and the aiming point for any remote light fixture.
- b. If needed to review proposed outdoor lighting installations, the city may require additional information following the initial lighting plan submittal, including but not limited to:
- i. A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting;
 - ii. Photometric data, BUG ratings as defined by the Illuminating Engineering Society of North America (IESNA), Color Rendering Index (CRI) of all lamps, or LEDs, and other descriptive information on the fixtures, or designation as IESNA “cutoff fixtures”;
 - iii. A computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines; iso-footcandle contour line style plans are also acceptable; and
 - iv. Landscaping information that indicates mature vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting. (Ord. 3178 § 2, 2016)

The following change is to Chapter 21.18 – Off-Street Parking simply replaces “R classified” with “Residential zoned” for clarity.

21.18.600 Parking lot illumination.

Lighting in off-street parking areas shall be arranged so as to not constitute a nuisance or hazard to passing traffic. Where lots share a common boundary with any ~~“R” classified~~ Residential zoned property, and where any RM zone lot shares a boundary with an RS zone, the illumination shall be directed away from the more restrictively classified property. See Chapter 21.17 LMC, Outdoor Lighting Standards, for specific regulations pertaining to parking lot illumination.

The following corrects a scrivener’s error in the Off-Street Parking chapter where “SG” is used instead of “SF” (for square feet).

Table 21.18.02

Eating and Entertainment Uses	Number of Parking Stalls Required
Adult Cabarets (with or without alcoholic beverage service)	One per 100 SF GFA
Bars, Taverns, Saloons and Cocktail Lounges	One per 100 SF GFA

Restaurant, Dine-in (building code occupant load for 20 or more)	One per 100 SF GFA
Restaurant with Drive-Through Service (building code occupant load for 20 or more, plus drive-through window or facility)	One per 100 SF GFA + stacking lane requirements
Drive-Through/Take-Out Food/Beverage Stand: (establishment primarily serving drive-through and/or take-out clientele, but which may have incidental seating for less than 20 (building code occupant load))	One per 200 SG <u>SF</u> GFA + stacking lane requirements

The following corrects a scrivener’s error in the Off-Street Parking chapter.

In 2004, Council adopted Ordinance No. 2528 which revised the off-street parking requirements for colleges, universities, or institutions of higher learning from “one stall per employee and faculty member, plus one per three full-time students (including conversion of part-time to full-time equivalent” to “1 space per employee, plus 1 space per 3.5 day-student FTEs.”

A subsequent update to parking standards in 2007 inadvertently used an outdated version of code. It proposed updates in this chapter entirely unrelated to colleges, universities, or intuitions of higher learning. This resulted in the off-street parking requirements for colleges, universities, or intuitions of higher learning to be reverted back to the old standard unintentionally.

The City and Edmonds College have repeatedly confirmed through various Subarea Plan and College Facility Master Planning efforts the off-street parking standard which was adopted through Ordinance No. 2528. The proposed change creates consistency with previously adopted agreements.

Table 21.08.03

Institutional Uses	Number of Parking Stalls Required
Libraries	One per 250 SF GFA
Museums and Art Galleries (not including retail galleries or studios)	One per 500 SF GFA
Colleges, Universities or Institutions of Higher Learning	One per employee and faculty member , plus one per three full-time-equivalent students <u>3.5 day-student FTEs</u>
Business and Trade Schools (e.g., beauty, cosmetology, secretarial, music, art, dance, vocational and occupational training, extension programs, etc.)	One for every 100 SF GFA
Hospitals (includes offices within the hospital building, but parking for medical office buildings, even if co-	Five per licensed bed

Table 21.08.03

Institutional Uses	Number of Parking Stalls Required
located with the hospital, shall be in accordance with Table 21.18.04)	
Nursing, convalescent and rest homes	See residential uses
Schools, Elementary and Middle and Equivalent Private or Parochial Schools	One per six student capacity (“capacity” means the designed capacity of the school, even if actual enrollment varies by year), plus sufficient off-street space for safe loading and unloading of students from school buses. The proponent shall demonstrate how special event parking will be provided through a combination of on-site, on-street (where public parking is available) and off-site parking provisions.
Schools, Senior High and Equivalent Private or Parochial Schools	One per three student capacity
Child Day Care Centers, Preschools, Nursery Schools and Kindergartens ⁽²⁾	One per employee required by WAC 170-295-2090 plus: When enrollment is known: 45 students or less: 1 per 5 students More than 45 students: 8 + 1 per 40 students When enrollment is not known: For 2,500 SF or less: 1/300 SF For more than 2,500 SF: 8 + 1/5,000 SF

Chapter 21.25 - Project Design Review requires commercial, industrial, and institutional or public development projects to meet the City’s design guidelines. In general, any new non-single family construction 1,000 SF or greater is required to be approved through the Project Design Review Process.

While most zones use the Lynnwood Citywide Design Guidelines, three zones have their own guidelines: City Center Design Guidelines, Highway 99 Design Guidelines, and Alderwood-City Center Transition Area Design Guidelines. Each zone chapter lists the design guidelines used for that zone.

The following changes correct the Project Design Review chapter (LMC 21.25) to refer to each zone’s applicable design guidelines rather than the Lynnwood Citywide Design

21.25.105 Administration

Various places in this title indicate that applications for certain multiple-family, commercial, industrial and other nonresidential development are permitted only if it complies with ~~Lynnwood Citywide Design Guidelines~~ applicable design guidelines and approved pursuant to the provision of this chapter. In addition, various parts of this title that also require design review for remodeling and expansion of existing multiple-family, commercial, industrial and other nonresidential development shall also comply with the applicable design guidelines ~~Lynnwood Citywide Design Guidelines~~ and be approved pursuant to the provisions of this chapter. The

development and business services director will make the decision on compliance with the Lynnwood Citywide Design Guidelines based on written comments and information. Appeals of the decision will be decided by the hearing examiner.

21.25.110 Purpose of Review

Project design review has the following purposes:

- A. To review the proposal for compliance with the provisions of this title, ~~Lynnwood Citywide Design Guidelines~~ applicable design guidelines and all other applicable laws and regulations.
- B. To help insure that the proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public improvement projects within the area.
- C. To encourage proposals that embody good design principles that will result in high quality development on the subject property.

21.25.145 Director's decision

A. General.

Coordination with Decisions Under SEPA. If a SEPA threshold determination is required to be issued, the threshold determination must precede the director's decision on the project. If the SEPA threshold determination is appealed, the director's decision shall be issued prior to the open record hearing on the threshold determination appeal.

B. Decisional Criteria. The director shall use the criteria listed in this section.

1. It is consistent with the comprehensive plan.
2. It is consistent with all applicable provisions of this chapter.
3. It is consistent with the applicable design guidelines found in the ~~Lynnwood Citywide Design Guidelines~~ applicable design guidelines, adopted by this reference and incorporated in the provisions of the LMC and this chapter as fully as if herein set forth.
4. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the ~~Lynnwood Citywide Design Guidelines~~ applicable design guidelines identified by the director as being applicable.
5. For such applications, the director may modify applicable design standards and guidelines to provide continuity between existing and new development and/or proposed phases of development.

C. Conditions and Restrictions. The director shall include in the written decision any conditions and restrictions that are necessary to ensure compliance with the decisional criteria listed in subsection (B) of this section.

D. Content and Notice of Decision. The decision of the director shall be prepared and distributed as specified by Chapter 1.35 LMC.

The addition below, corrects an oversight in Chapter 21.42 - Residential Single-Family Zones. Design review does not apply to single family homes. However, the few “conditional” uses that are allowed on single-family zoned properties, such as schools or places of worship, are not explicitly required to meet design guidelines. The following addition fills this gap. This section only applies to conditional uses permitted in the single-family zone, not single-family homes or their accessory uses.

Chapter 21.42 RESIDENTIAL SINGLE-FAMILY ZONES

Sections:

- 21.42.050** Zones and purposes.
- 21.42.100** Uses allowed in single-family residential zones.
- 21.42.103** Uses prohibited in the single-family residential zones.
- 21.42.105** **Project design review**
- 21.42.110** Limitations on use.
- 21.42.200** Development standards.
- 21.42.205** Single-family dwelling standards.
- 21.42.210** Additional development standards.
- 21.42.250** Development standards for park facilities.
- 21.42.300** Home occupations.
- 21.42.400** Accessory structures and uses.
- 21.42.420** Placement of accessory buildings and structures – Interior lots.
- 21.42.440** Placement of accessory buildings and structures – Corner and reverse corner lots.
- 21.42.500** Signs.
- 21.42.900** Other regulations.

21.42.105 Project design review.

A. Design Guidelines for Non-Residential Uses. Construction of any non-residential buildings (excluding single-family accessory structures) as allowed per Table 21.42.01, permitted by conditional use permit, in any single-family 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 non-residential structures or buildings (excluding single-family accessory structures or buildings) 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. 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.

C. 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.

Table 21.42.02 lists the development standards for single-family zoned properties. The changes below do not change the development standards, but simply clarify a difficult to understand table for the public and staff.

Table 21.42.02 Development Standards

Standard	RS-8	RS-7	RS-4
Minimum Lot Area**	8,400 sf	7,200 sf	4,000 sf
Minimum Lot Width	70 ft.**	60 ft.	40 ft.
Minimum Frontage at Street	30 ft.***	30 ft.	25 ft.
Minimum Front Yard Setback Front Yard Minimum Setbacks – All Lots			
Front Yard Setback	<u>25 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
Interior Lot	<u>25 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
Corner Lot	<u>25 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
Abutting a Principal Arterial Street	<u>25 ft.</u>	<u>25 ft.</u>	<u>20 ft.</u>
Abutting a Private Road or Access Easement	15 ft.	15 ft.	15 ft.
Side Yard Minimum Setbacks – Interior Lots			
One Side	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
Both Sides Combined	<u>15 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Minimum Side Yard Setbacks – Corner Lot Side Yard Minimum Setbacks – Corner Lots			
Street Side	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	20 ft.	20 ft.	20 ft.
Abutting a Principal Arterial Street	<u>25 ft.</u>	<u>25 ft.</u>	<u>20 ft.</u>

Standard	RS-8	RS-7	RS-4
Minimum Side Yard Setbacks—Interior Lot			
One Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	15 ft.	10 ft.	10 ft.
Rear Yard Minimum Setbacks – All Lots			
Minimum Rear Yard Setback	25 ft.	25 ft.	15 ft.*
Any Yard Abutting a Principal Arterial			
Minimum Setback	25 ft	25 ft	20 ft
Minimum Lot Coverage and Building Heights			
Maximum Lot Coverage by Buildings	35 percent	35 percent	40 percent – habitable space 50 percent – total
Maximum Building Height	35 ft.	35 ft.	30 ft.

* 20 ft. when abutting an RS-7 or RS-8 zone.

++ See LMC [21.42.210\(C\)](#).

+++ A reduction to 15 feet is allowed for lots that include an access easement that has a width that measures a minimum of 15 feet.

A wordy section in the single-family zone about the placement and size of accessory buildings is replaced with a table for clarity. The proposed changes do not change what is permitted or any other dimensional standards.

21.42.420 Placement of accessory buildings and structures –Interior lots.

~~A. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory buildings which:~~

- ~~1. Are behind the front wall of the residence;~~
- ~~2. Do not exceed one story in height (not to exceed 15 feet);~~
- ~~3. Are not greater than 600 square feet in floor area; and~~
- ~~4. Do not contain habitable space (as defined in the building code);~~

~~shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines.~~

21.42.440 — Placement of accessory buildings and structures — Corner and reverse corner lots.

~~A. Accessory Buildings and Structures on Lot Lines. On the rear one-third of a corner or reverse corner lot, accessory buildings which do not exceed one story in height (not to exceed 15 feet) and which are not greater than 600 square feet in floor area shall be set back not less than five feet from interior lot side lines and lot rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on interior lot side lines and lot rear lines. Any corner lot street setback requirements shall apply.~~

Accessory buildings or structures in RS zones. Single-family accessory structures shall comply with the following development standards:

Table 21.42.03 Placement of Accessory Structures

	<u>Accessory Buildings and Structures – Type 1</u>	<u>Accessory Buildings and Structures – Type 2</u>
<u>Maximum area</u>	<u>64 SF</u>	<u>600 SF</u>
<u>Maximum height</u>	<u>8 ft.</u>	<u>15 ft. and no greater than one (1) story</u>
<u>Front yard setback</u>	<u>Not permitted</u>	<u>Not permitted</u>
<u>Side yard setback</u>	<u>0 ft.</u>	<u>5 ft.</u>
<u>Street side yard setback</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Rear yard setback</u>	<u>0 ft.</u>	<u>5 ft.</u>
<u>Habitable space</u>	<u>Not permitted</u>	<u>Not permitted</u>
<u>Other</u>	<u>Only one Type 1 building or structure is permitted per lot. All other accessory buildings and structures must meet Type 2 requirements.</u>	<u>Any number of Type 2 buildings allowed provided the primary dwelling unit and all Type 2 buildings do not exceed lot coverage limit.</u>

The following changes are to the Commercial Zone Chapter (Chapter 21.46). Sections removed are shown crossed out in the table of contents, below. Details on the removal of these sections follow.

**Chapter 21.46
COMMERCIAL ZONES**

Sections:

- 21.46.050 Purpose.**
- 21.46.100 Permitted structures and uses.**
- 21.46.103 Uses prohibited in the commercial zones.**
- 21.46.105 Project design review.**
- 21.46.110 Limitations on uses – General.**
- 21.46.111 Limitation on uses – Auto-oriented uses.**

- 21.46.112 *Repealed.*
- 21.46.113 *Repealed.*
- 21.46.114 Limitations on uses – Medical uses.
- 21.46.115 Limitations on uses – Office uses.
- 21.46.116 Limitations on uses – Residential uses.
- 21.46.117 Limitations on uses – Retail uses.
- 21.46.118 Limitations on uses – Light industrial uses.
- 21.46.119 Limitations on uses – Other uses.
- 21.46.120 General commercial area for controlled uses.
- ~~21.46.130 Prohibited uses.~~
- 21.46.150 Accessory structures and uses.
- 21.46.200 Development standards.
- 21.46.210 Additional development standards.
- 21.46.212 *Repealed.*
- 21.46.220 *Repealed.*
- ~~21.46.230 Other transitional requirements.~~
- 21.46.500 *Repealed.*
- 21.46.510 *Repealed.*
- 21.46.900 Other regulations.
- 21.46.910 *Repealed.*

The following use table is missing a hash mark in one cell. Adding it for consistency and clarity.

21.46.100 Permitted structures and uses

Table 21.46.03

Eating and Entertainment Uses	NC	PCD	CG
Restaurants and Cafeterias providing on-premises service to seated patrons ⁺	P	P	P-X
Restaurants, drive-in car service ⁺	–	–	P-X
Restaurants, drive-through car service	–	P*	P
Taverns, Bars, and Cabarets	–	P	P

⁺Drive-throughs in the PCD zone shall have the drive aisles screened.

There are two “prohibited uses” sections in the Commercial zone chapter (LMC 21.46). They are: 21.46.103 and 21.46.130. This change takes the contents of 21.46.130 and merges them into 21.46.103.

~~**21.46.130 Prohibited uses.**~~

~~The following uses shall be prohibited in all commercial zones:~~

~~A. Heliports and helistops.~~

Move to:

21.46.103 Uses prohibited in the commercial zones.

A. Retail sales, production and processing of marijuana and/or marijuana-infused products.

- B. Medical marijuana collective gardens.
- C. Supervised drug consumption facilities.

D. Heliports and helistops.

The following corrects a scrivener’s error and consolidates the “other transitional requirements” into the development standards in LMC 21.46.200 (Table 21.46.14).

First, the B-3 zone references are removed because the zone no longer exists, it is now NC for Neighborhood Commercial. But the entire transitional requirements section is also removed to be consolidated into Table 21.46.14 under LMC 21.46.200 Development standards.

Finally, Table 21.46.14 is rearranged and edited for clarity. Duplicative requirements have been removed and the asterisk removed and its reference incorporated into the table.

~~21.46.230 Other transitional requirements.~~

~~A. Commercial Property Abutting an RS-Zoned Property. Where the interior yard of a property zoned B-3 NC abuts a property zoned to a single-family residential zone, the minimum side yard setback of the B-3 NC-zoned property shall be 10 feet and the minimum rear yard setback shall be 25 feet.~~

~~Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a single-family residential zone, the minimum side yard setback shall be 25 feet and the minimum rear yard setback shall be 50 feet.~~

~~B. Commercial Property Abutting a Multiple-Family Residential Property. Where the interior yard of a property zoned B-3 NC abuts a property zoned to a multiple-family residential zone, the minimum side yard setback of the B-3 NC-zoned property shall be 10 feet and the minimum rear yard setback shall be 25 feet.~~

~~Where the interior yard of a property zoned to any other commercial zone abuts a property zoned to a multiple-family residential zone the minimum side yard setback shall be 15 feet and the minimum rear yard setback shall be 25 feet.~~

21.46.200 Development standards

Table 21.46.14
Minimum Standards Development Standards

	NC	PCD	CG
Minimum Area (unless adjacent to similar-zoned land)	none	none	none
Maximum Area	none	none	none
Minimum Front Yard Setback	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
Located on a principal arterial	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.

Table 21.46.14
Minimum Standards Development Standards

	NC	PCD	CG
<u>Minimum Side Yard Setback – Street</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Located on a principal arterial</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Located on all other streets</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Minimum Side Yard Setback – Abutting to RS zone</u>	<u>10 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Minimum Side Yard Setback – Abutting to RM zone</u>	<u>10 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Minimum Side Yard Setback – Abutting all other zones</u>	none*	none*	none*
<u>Minimum Rear Yard Setback – Abutting to RS Zone</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Minimum Rear Yard Setback – Abutting to RM Zone</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Minimum Rear Yard Setback – Abutting all other zones</u>	none*	none*	none*
Maximum Building Height	35 ft.+	none	none
Maximum Lot Coverage	35%	none	35%

* Except where adjoining a residential zone; see LMC ~~21.46.230~~.

+ Multifamily is permitted at three stories or 45 feet (whichever is less) on parcels that have a minimum of one acre in size, subject to standards and procedures established in Chapter [21.43](#) LMC for the multiple residential medium-density zone (RMM). See Figure 21.46.1 for specific permitted locations.

This change replaces “RS” and “RM” with “Residential” for clarity in Chapter 21.48 – Planned Regional Shopping Center Zone.

21.48.200 Development standards.

A. Minimum Setbacks. There shall be a minimum setback for buildings of 15 feet from any public street right-of-way and 50 feet from any property line adjoining ~~an RS or RM~~ a residential zone, with the following exceptions:

1. Buildings which are to be used for professional offices, and which do not exceed a height of 25 feet above the average finished grade around the foundation of the building, shall be set back 50 feet from any property line adjoining a RS zone and 25 feet from any property line adjoining a RM zone; and
2. See LMC 21.16.320 for sign regulations.

B. Maximum Building Height. Building height is not restricted.

C. Maximum Lot Coverage by Buildings. Lot coverage is not restricted.

The Industrial Zone has a section, LMC 21.50.210, part E – Development Standards – Cooperative Programs that referred to a program that was removed by ordinance in 2016 (Ord. 3233).

21.50.210 Additional development standards.

A. Building Height.

1. BTP Zone. For buildings taller than three stories, the floor area to lot area ratio (FAR) shall not exceed 0.4, unless specifically allowed by conditional use permit approval. In connection with any such conditional use permit approval, the applicant shall demonstrate that the additional floor area will not adversely impact traffic flow and volumes on the public streets, as compared to other existing or anticipated developments on other properties in the same zone and vicinity.

2. LI Zone. The community development director may authorize an increase in maximum building height not to exceed eight feet in height from the floor of the roof when the applicant demonstrates conformance with the general intent of the chapter.

B. Setbacks for Fences. Fences, walls and hedges up to six feet in height may be located in any portion of an industrial-zoned lot as long as the fence is not located within intersection and driveway sight distance triangles, does not obstruct driver and pedestrian visibility, and complies with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3).

C. Parking Requirements.

1. Required Number of Stalls. Requirements for parking are provided in Chapter 21.18 LMC.

D. Surface Water Management. Each industrial area shall have adequate facilities for management of surface water.

~~E. Development Standards – Cooperative Programs. In the BTP zone, cooperative development of adjacent properties is encouraged. LMC 21.46.900(D) provides incentives which should be considered when contemplating development, particularly the development of relatively small properties.~~

Along with the change to Chapter 21.50 – Industrial Zones on fences, Chapter 21.10 – Fence and hedge standards does not cover Industrial zones. “Industrial zone” is added to the relevant sections of this chapter.

21.10.100 Fence and hedge standards

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

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

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

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

Chapter 21.56 is the 164th Street Overlay zone requirements. However, the 164th Street area was never annexed into the City so this entire chapter is removed.

~~Chapter 21.56~~
~~164TH STREET OVERLAY ZONE~~

~~Sections:~~

- ~~21.56.050— Purpose.~~
- ~~21.56.075— Applicability.~~
- ~~21.56.090— Interpretation.~~
- ~~21.56.100— Land use.~~
- ~~21.56.150— Project design review.~~
- ~~21.56.200— Area and dimensional standards.~~
- ~~21.56.300— Signs.~~
- ~~21.56.400— Building design.~~
- ~~21.56.500— Street frontage landscaping.~~
- ~~21.56.600— Underground utilities.~~
- ~~21.56.700— Access control.~~
- ~~21.56.710— Joint parking.~~

Chapter 21.56

164TH STREET OVERLAY ZONE

Sections:

~~21.56.050 — Purpose.~~

~~21.56.075 — Applicability.~~

~~21.56.090 — Interpretation.~~

~~21.56.100 — Land use.~~

~~21.56.150 — Project design review.~~

~~21.56.200 — Area and dimensional standards.~~

~~21.56.300 — Signs.~~

~~21.56.400 — Building design.~~

~~21.56.500 — Street frontage landscaping.~~

~~21.56.600 — Underground utilities.~~

~~21.56.700 — Access control.~~

~~21.56.710 — Joint parking.~~

~~21.56.050 — Purpose.~~

~~This overlay zone is intended to implement the North Gateway Subarea Plan by establishing a design identity and character for the portion of 164th Street SW corridor in the subarea. This identity and character are intended to be contemporary in nature and substantially different from the character of the developed areas of Lynnwood. By contrasting with those areas this identity and character will promote a sense of community in the subarea. The land use and development standards in this overlay zone seek to establish this identity and character by modifying existing land use and development regulations so as to produce a streetscape that creates strong links between private land uses and public streets and that integrates the built elements of that streetscape (primarily buildings and parking facilities) with the “natural” elements (landscaping and the Swamp Creek corridor). (Ord. 2441 § 19, 2003; Ord. 2206 § 1, 1998)~~

~~21.56.075 — Applicability.~~

~~This overlay zone may be applied to any property that has frontage on 164th Street SW between 22nd Avenue W and area west to Admiralty Way, all as shown in Exhibit A to Resolution No. 98-13. It may also be applied to any property that does not have frontage on this segment of 164th Street SW where development of that property would be visible from this segment of 164th Street or otherwise would significantly affect that street segment. At properties~~

~~where this overlay zone is applied, the regulations in this chapter shall apply in combination with those of the existing (“underlying”) zone. (Ord. 2206 § 1, 1998).~~

~~21.56.090 — Interpretation.~~

~~At any property zoned to this overlay zone, all regulations of both the “underlying” zone and this overlay zone shall apply. In the event of a conflict between the regulations of this overlay zone and those of the underlying zone, the regulations of this overlay zone shall control. (Ord. 2206 § 1, 1998)~~

~~21.56.100 — Land use.~~

~~A. Permitted Uses. As stated by the regulations for the underlying zones.~~

~~B. Conditional Uses. As stated by the regulations for the underlying zone. Except that where the underlying zone allows the following uses, these uses should be allowed only with approval of a conditional use permit:~~

- ~~1. Drive-through or drive-up windows or any other facility that provides service to customers in cars.~~
- ~~2. Handball courts, racquet clubs and indoor and outdoor tennis courts (except that these uses are permitted as accessory uses as part of private recreation facilities at multiple-family residential developments).~~
- ~~3. Convenience stores.~~
- ~~4. Park and ride lots operated by a public agency.~~
- ~~5. The repair, improvement or expansion of gas stations existing as of the date of the ordinance codified in this chapter.~~

~~C. Prohibited Uses. The following uses shall be prohibited in this overlay zone:~~

- ~~1. Automotive uses (see Table 21.46.01), except as noted under subsections (A) and (B) of this section.~~
- ~~2. Indoor amusement enterprises and amusement centers.~~
- ~~3. Dry cleaning and laundry plants.~~
- ~~4. Appliance stores, furniture stores and carpet stores.~~
- ~~5. Cold storage lockers.~~
- ~~6. Radio or television stations.~~
- ~~7. Marijuana and marijuana-infused products retail sales, processing or production.~~
- ~~8. Medical marijuana collective gardens.~~
- ~~9. Supervised drug consumption facilities. (Ord. 3305 § 10, 2018; Ord. 3136 § 10, 2015; Ord. 2206 § 1, 1998)~~

~~21.56.150 — Project design review.~~

Project design review shall occur pursuant to the regulations for the underlying zone. (Ord. 2388 § 56, 2001; Ord. 2206 § 1, 1998)

~~21.56.200 — Area and dimensional standards.~~

~~A. The standards in this section shall apply to all structures and nonstructural uses in this overlay zone. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with these standards, unless modifications to these standards are approved through the design review process. These standards may be modified if the applicant demonstrates during design review that the proposed modification:~~

- ~~1. Substantially contributes to establishing strong visual and physical connections between the primary use(s) of private property and the public street;~~
- ~~2. Provides landscaping along the public right-of-way and in parking lots that would be equal to or more extensive than landscaping required by this chapter; and~~
- ~~3. Promotes the intent and purpose of this chapter and the goals, objectives and policies of the comprehensive plan (particularly the North Gateway Subarea Plan).~~

~~B. Table of Standards.~~

Table 21.56.1 — Development Standards

Site Planning-	
Minimum front setback-	15 ft.
Maximum front setback (applicable only to 50 percent of building frontage)-	90 ft.-
Maximum building height-	100'-ft.-
Corner lot — Minimum area of landscaped area at intersection^a-	500 sq. ft.-
Minimum pedestrian area at building entries-	200 sq. ft.-
Parking Area-	
Minimum landscaped area — Parking area within 100 ft. of street-	See LMC 21.56.200-(D)(4)-
Minimum landscaped area — Parking area more than 100 ft. from street or behind a building-	See LMC 21.56.200-(D)(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*-
Landscaping-	
Minimum width of landscaping between a street and a parking lot or drive aisle-	20 ft.*-
Planting of street trees-	30 ft. on center-

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

~~C. Notes.~~

~~1. Any portion of a building or structure with a height greater than 35 feet shall be set back from all interior property lines one foot for every two feet in height greater than 35 feet.~~

~~D. Additional Standards.~~

~~1. At any parking lot that is more than 130 feet in any dimension, specially marked pedestrian walkways leading to building entries shall be provided.~~

~~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. Pedestrian connections shall be provided between all buildings and between buildings, parking areas and public sidewalks at adjoining streets.~~

~~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 § 19, 2003; Ord. 2388 § 57, 2001; Ord. 2206 § 1, 1998)~~

~~21.56.300 — Signs.~~

~~Pole signs are prohibited. Development of any property that has more than 300 feet of frontage on a public street may include one monument or ground sign. One additional monument or ground sign is allowed for each additional 600 feet of street frontage. The maximum height of a monument sign shall be 15 feet. (Ord. 2206 § 1, 1998)~~

~~21.56.400 — Building design.~~

~~At every building constructed at a property in this zone, each side of the building that faces directly toward a public street shall create the appearance that, that elevation is the front elevation of the building. The primary design elements to create this appearance shall include window placement and wall articulation. This requirement shall apply to all building elevations that face a public street, regardless of whether public access into the building is provided through that elevation. (Ord. 2206 § 1, 1998)~~

~~21.56.500 — Street frontage landscaping.~~

~~All landscaped areas between a parking area and a public street shall include mounding, a continuous hedge or other design elements to screen parked cars from public view. The minimum height of the screening required by this section shall be 2.5 feet above the elevation of the adjoining parking area, measured at the curb that adjoins the landscaped area. The above standard shall supersede any applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict. (Ord. 2388 § 58, 2001; Ord. 2206 § 1, 1998)~~

~~21.56.600 — Underground utilities.~~

~~When streets are constructed or reconstructed, all utilities shall be located underground, pursuant to Chapter 16.14 LMC. (Ord. 2206 § 1, 1998)~~

~~21.56.700 — Access control.~~

~~Coordinated access points may be required for many sites. As a condition to site development approval, a property owner may be required to provide for joint access to and/or from adjacent parcels. This shall be accomplished through easements or joint use agreements approved by the city attorney. Curb cuts allowed at the time of development may only be temporary and may be closed when more suitable access is developed on adjacent sites. Specifically, when a site plan is approved, the owner may, at the city's discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater traffic safety and shall be viewed as partial consideration for site development plan approval from the city. (Ord. 2441 § 19, 2003; Ord. 2206 § 1, 1998)~~

~~21.56.710 — Joint parking.~~

~~As an incentive for development of joint parking facilities, parking requirements may be reduced as provided for in LMC 21.46.900(E). (Ord. 2206 § 1, 1998)~~

Chapter 21.57 – College District Mixed Use (CDM) Zone includes a section on site plan and design approval. The section as currently written does not use the same language and criteria as other project design review sections in other chapters such as the Multifamily zones (21.43) or Commercial zones (21.46). The changes below align the CDM site plan and design section with the language used for project design review in other zones and the design review chapter.

~~21.57.500 Site plan and design approval~~ Project design review and project approval

~~A. New development within the college district mixed use (CDM) zone shall comply with the development standards of LMC 21.57.400 and with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC.~~

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright or by conditional use permit in the college district mixed use (CDM) 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 permitted outright or by conditional use permit in the college district mixed use (CDM) zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multifamily 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. 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.

D. 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.

B. E. In addition to the general decision criteria established in Chapter 21.25 LMC, the following criteria shall be considered when reviewing development proposals in the CDM zone:

1. The proposal shall be compatible with the design and function of surrounding development and land uses.
2. Streetscapes shall be designed to include a combination of facilities to serve pedestrians, cyclists and transit patrons, such as attractive lighting, awnings and canopies, seating, directional signage, information kiosks, designated street crossings, bus shelters, and/or other amenities to enhance the pedestrian environment.
3. Public sidewalks and/or trails, bikeways or greenbelt linkages shall be provided to connect parks, municipal golf course, the college and other public areas frequented by the general public when the proposed development is on or adjacent to such planned facilities.

The next several changes are to Chapter 21.60 - City Center District (CC) Zone.

The following changes remove several prohibited uses that cannot be prohibited because they are essential public facilities (EPF). Though EPFs cannot be prohibited, they are required to go through an Essential Public Facility process detailed in Chapter 21.73.

Prohibition number 24 is removed because it is duplicative of prohibition 5.b. which prohibits drive-throughs in City Center. Finally, the prohibition against electric vehicle charging stations is removed.

21.60.300 Uses prohibited in city center zones.

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

A. Prohibited in all city center zones:

1. Adult establishments;
2. Billboards;
3. Industrial uses (excluding management, research and development, and sales operations);
4. Outdoor storage or display of materials and equipment (except during construction) except as provided for in subsection (A)(10) of this section;
5. Auto-oriented uses, including:
 - a. Vehicle washing;
 - b. Drive-throughs, including drive-up windows and drive-up kiosks, unless within an enclosed parking structure;
 - c. Vehicle repair;
 - d. Battery exchange station (electric vehicles);
 - ~~e. Battery charging station (electric vehicle), Level 1, Level 2 or Level 3 (unless contained within an enclosed parking structure or attached to the exterior of a building containing a principal use);~~
 - f. e. Gasoline service stations;
 - ~~g.~~ f. Rental car agencies with outdoor fleet;
 - ~~h.~~ g. Outdoor sales of boats, vehicles or equipment;
- ~~6. Sewage treatment plants;~~
- ~~7. Work release facilities;~~
8. Wrecking yards;

~~9. Secure community transition facilities;~~

10. Uses not contained within a building except:
 - a. Accessory outdoor dining;
 - b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and where the display only occurs during business hours;
 - c. Temporary special events; or
 - d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area of the principal use it serves, not to exceed one-half acre;
11. Self-service storage facilities;
12. Marijuana and marijuana-infused products retail sales, processing or production;
13. Medical marijuana collective gardens;
14. Dry cleaning and laundry plants (with the exception of dry cleaning and laundry, self-service and pick-up stations and incidental cleaning as an in-house service);
15. Outdoor commercial recreation and entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses;
16. Overnight campgrounds;
17. Retail lumber yards;
18. Assembly of glass, light metal, plastic, electronic, electrical or wood parts, which are extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling;
19. Bottling or packaging plants (except as incidental to a brewery or winery);
20. Greenhouses, plant nurseries and agriculture;
21. Outdoor fresh fruit, vegetable or produce stands (except for temporary uses such as farmers markets or accessory to a principal use contained within a building);
22. Warehouses of 10,000 square feet or less;
23. Distribution centers;
- ~~24. Drive-in and drive-through restaurants;~~
25. Detached single-family or manufactured homes;
26. Detached wireless communication facilities (wireless attached facilities are allowed subject to LMC 21.46.110);
- ~~27. Supervised drug consumption facilities; and~~
28. Any other uses similar to those listed above or any other use determined by the community development director to be inconsistent with the intent of the city center zones as described in this chapter and the city center subarea plan. Appeals of the

community development director's decision shall be processed as a Process II application (LMC 1.35.200).

B. Additionally, prohibited in the portion of the city center – core zone (CC-C) that is north of 194th St. SW:

1. Multifamily residential.

In the City Center zone, ground floor space must be occupiable space. Occupiable space is defined as spaces for uses such as retail, office, residential, personal service shops, customer serving offices, restaurant, entertainment, and the like.

However for buildings fronting the Promenade Street (198th) the code says “non-residential.” Replacing “non-residential” with “commercial” is more specific and aligns with the intent of the City Center subarea plan.

21.60.350 Use limitations.

A. Ground floor principal uses in all city center zones shall be occupiable space.

1. Exception. Structured parking may occupy the ground floor of a building; provided, that the parking does not occupy more than 40 percent of the ground floor space facing a street frontage. In such instances, the remaining portion of the building facing the street shall consist of occupiable space.

B. For buildings that directly front the Promenade Street, no less than 40 percent of the lineal frontage of any building shall be occupied by a permitted, ~~nonresidential~~ commercial use.

The City Center zone also requires all new development to be at least three stories, and no less than 30 feet high. In 2012 the Council approved the section waiving the minimum height requirement until 2017.

The following change removes this allowance since the 5 year period is over as of 2017.

21.60.400 Basic development standards.

A. Height.

1. Minimum Building Height. The intent is that the city center zones accommodate dense urban form development. All new development shall be built to at least the minimum building height of three stories and no less than 30 feet; provided, that uses predominantly characterized as places of public assembly featuring auditoriums or meeting facilities, including but not limited to religious institutions, movie or performing arts theaters, symphony halls and convention facilities, shall have a minimum building height of 30 feet and no minimum story requirement.

~~However, due to current economic conditions, in the first five years from the date of adoption of~~

~~the ordinance codified in this chapter, this requirement is waived and, if conditions are not improved beyond this five-year period, the city council may extend this waiver further.~~

a. Exception. A single-story building shall be permitted adjacent to or within a park as identified by the City Center Parks Master Plan. Such structure shall be approved by a development agreement.

B. Setbacks.

1. From Streets.

a. To permit the widening of city center streets without creating nonconforming situations or the need to impact buildings, all buildings shall be located at the property line established by the future street right-of-way contained in Table 21.60.4 utilizing the fronting street for fire access except as permitted otherwise in this chapter, the city center design guidelines or unless there is or will be a building between such building and the future street right-of-way. In exceptions where buildings do not utilize the street for fire access, a circulating fire lane may be required.

b. Buildings may be set back from the street for the purpose of providing public plazas as a FAR bonus feature and as required by the city center design guidelines. The public plaza may exceed the minimum open space/public plaza size requirement provided in the design guidelines. Up to 30 percent of any building's street frontage per street may be set back from the setback line to accommodate a public plaza. Open space/public plaza space may be combined at intersections.

c. To allow buildings to be set back from wider streets, buildings along boulevard streets may be set back up to 17 feet from the property line established by the future street right-of-way provided in Table 21.60.4 subject to the following requirements:

i. The boulevard street shall be utilized as the fire lane. No setback shall be allowed that would result in requiring a fire lane between the building and the street.

ii. The setback shall be utilized only for open space/public plazas complying with subsection (B)(1)(b) of this section and the city center design guidelines.

2. Interior Side. None required.

3. Interior Rear. None required.

C. Building Frontage.

1. Less Than 100 Feet of Frontage. The minimum building frontage length shall be less the space required to provide a drive aisle to service the site. If no drive aisle is provided the minimum frontage shall be 65 of percent the length of the abutting property line.

2. One Hundred Feet of Frontage or Greater. The minimum building frontage length shall be 70 percent of the length of the abutting property line. This length may be reduced at the discretion of the development and business services director to accommodate required fire access or drive aisles leading to parking areas.

3. Panhandle Lots and Landlocked Lots. Properties that only have access to a public or private right-of-way through a panhandle or have no property line adjacent to a public or private right-of-way are not required to provide building frontage.

D. Floor Area Ratio.

1. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in the city center shall be limited as shown in Table 21.60.1. The bonuses are described in subsection (D)(2) of this section.

Table 21.60.1: Floor Area Ratio (FAR)

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable “as of right” for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR “as of right” for new development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

Notes:

- a. Floor area is measured to the inside face of exterior walls.
- b. The following uses shall be excluded from floor area calculation:
 - Space underground (e.g., basements);
 - Space dedicated to parking;
 - Floor area devoted to rainwater collection;
 - Floor area devoted to gray water collection/storage/distribution;
 - Floor area devoted to waste recovery/separation;
 - Floor area devoted to service areas (such as storage areas, closets, and restrooms);
 - Balconies, patios, breezeways and decks without a solid cover;
 - Air spaces within buildings such as vaulted ceilings. More specifically, the floor area shall be counted as actual floor area only and not in the air spaces above;
 - Space used as FAR bonus feature (see Table 21.60.2);
 - Privately owned land area for the Promenade Walkway.
- c. Allowable FAR for nonresidential and residential uses shall be added together for the respective use types within a mixed use residential project, to provide for a combined FAR total.
- d. Hotels shall be considered nonresidential for the purpose of this chart.

- e. In situations where both conforming and nonconforming development are located on a site, the maximum FAR for conforming and nonconforming development may be combined, but each shall be limited to their respective FAR per Table 21.60.1. (For example, without bonus features, conforming development FAR maximum is 2.0; nonconforming FAR maximum is 0.5. Conforming development on the site may have a maximum FAR of 2.0; nonconforming maximum FAR of 0.5.)

2. FAR Bonus. The FAR at a property may be increased above the amount permitted “as of right” shown in Table 21.60.1 by including any of the features listed in Table 21.60.2 into development of the property.

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.

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

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 sq. ft. 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 21.60.100(L)).	200 sq. ft. of floor area for each linear foot of retail frontage.

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 (D)(3)(b) of this section.

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 development and business services director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter. Appeals of the development and business services director's decision shall be processed as a Process II application (LMC 1.35.200).

E. 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 stall 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 Table 21.18.03	Same as required in Table 21.18.03
Places of assembly	20 percent less than required in Table 21.18.06	Same as required in Table 21.18.06
Entertainment/recreational activities	20 percent less than required in Table 21.18.07	Same as required in Table 21.18.07
Other uses	20 percent less than required in Table 21.18.11	Same as required in Table 21.18.11

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 development and business services 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 development and business services director's decision shall be processed as a Process II application (LMC [1.35.200](#)).

F. Bicycle Facilities.

1. All nonresidential 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.

G. 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 service 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).

H. 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.

Add "Project" to the title of section 21.60.600 - Design Review to clarify the section is about Project Design Review.

21.60.600 Project Design Review

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

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.

3. Construction of any multiple-family residential structure.

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

C. 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 in the Lynnwood city center design guidelines. 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.

D. Compliance with Subarea Plan and Related Documents. For determining compliance with the comprehensive plan (that includes the city center subarea plan), as required by LMC 21.25.145(B)(3), an application for approval of structures and facilities under this section shall:

1. Demonstrate consistency and compatibility with the planned location and design of streets, as shown in the street protection ordinance, as amended. Where any locations and designs in this subsection (D)(1) conflict with the city center subarea plan, such locations and designs shall supersede the conflicting provisions of the city center subarea plan.

Nonconformities are covered in Chapter 21.12 – Nonconforming uses and structures, however Chapter 21.12 does not apply to the City Center code. The City Center code has its own section on nonconforming structures or uses in Section 21.60.700.

Nonconformities are properties where the building or use does not comply with code requirements such as setbacks from property lines or uses that are not allowed. In the case of building nonconformities, there are some exceptions for activities like exterior renovations of existing buildings.

One potential cause of a building nonconformity is when government purchases land for creating or widening a road. The new road width may cause buildings on abutting properties to be too close to the property line per required setbacks (or other nonconformities).

The proposed section D. below, states that when the City purchases land for a street right-of-way or street widening it does not cause abutting City Center properties to become nonconforming. 21.12 has language similar to proposed section D. The addition will make that language applicable in the City Center.

21.60.700 Nonconforming structures, sites and uses.

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

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

B. Nonconforming Sites. Throughout the city center, there are many properties where site development existing at the time of the adoption of the ordinance codified in this chapter does not comply with the site design standards and guidelines in this chapter. Certain types of minor changes to existing site development would not trigger compliance with the development standards and design guidelines in this chapter, such as restriping of stalls, and new or altered signage or lighting or renovation of landscaping. Any other site improvements, exterior renovation or expansion of building footprints shall incorporate site design features that bring the site more into compliance with the standards of the city center design guidelines regardless of whether or not the site improvements, renovation, and/or expansion triggers the design review process requirement per LMC 21.60.600.

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

1. Exterior renovation of buildings and structures shall not increase the degree of nonconformance.
2. All expansion of building footprints or increases in building height shall incorporate standards that bring the building more into compliance with the requirements of this chapter and the city center design guidelines regardless of whether or not the expansion is subject to the design review process requirement per LMC 21.60.600.
3. When practicable, as determined by the community development director, the expansion of building footprints shall locate towards the property line of the future street right-of-way as

described in Table 21.60.4. Appeals of the community development director's decision shall be processed as a Process II application (LMC 1.35.200).

4. Compliance with standards shall be localized to the area of the building being altered. Particular emphasis shall be given to the provision of pedestrian amenities oriented towards the street. For example, if a building is expanded towards the street, elements such as building design features and transparency, parking lot landscaping and pedestrian connections to the sidewalk are expected to be accomplished.

5. For buildings that are demolished, the replacement structure shall be considered new development.

D. Nonconformance Created by Government Action. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of a portion of the site for the purpose of public right-of-way by exercise of the power of eminent domain or by purchase by the city creates noncompliance of the use, structure or site regarding any requirement of this code, such use or structure shall be deemed lawful and permitted and subject to regulation as a nonconforming use or structure under this section.

~~D.~~ E. Alternative Process for Compliance. The community development director may approve a plan and design for alteration of a nonconforming site or building that does not fully comply with the requirements of subsections (B) and (C) of this section if the director finds that the alternative plan and design provides overall a greater degree of compliance with the principles of this section (as stated above). Appeals of the community development director's decision shall be processed as a Process II application (LMC 1.35.200). (Ord. 2937 § 12, 2012; Ord. 2554 § 10, 2005)

Chapter 21.74 – Temporary Outdoor Encampments, Extreme Weather Shelters and Housing for the Homeless are regulations on temporary outdoor encampments and extreme weather shelters.

The code has two errors: First, there is a time limit for approved temporary outdoor encampment permits but no time limit for approved extreme weather shelter permits. Second, there's a scrivener's error: "carbon dioxide" is written instead of "carbon monoxide" monitors.

The "dioxide" error has been corrected under B.2 and the durations for temporary tent encampments and extreme weather shelters have been combined under requirement C.14. No other change to the time limits of either of these permits is proposed.

21.74.030 Requirements.

A. Temporary Outdoor Encampments. The following requirements shall apply to all temporary outdoor encampments approved under this chapter, unless modified by the director through approval of a temporary use permit:

1. Outdoor encampments may be permitted on the grounds of any religious institution and shall be located a minimum of 20 feet from the property line of abutting properties containing commercial, industrial, professional office, and multifamily residential uses. The encampment shall be located a minimum of 40 feet from the property line of abutting properties containing single-family residential or public recreational uses, unless the director finds that a reduced buffer width will provide adequate separation between the encampment and adjoining uses, due to changes in elevation, landscaping, intervening buildings or other physical characteristics of the site of the encampment.

2. No outdoor encampment shall be located within a critical area or its buffer as defined by Chapter 17.10 LMC.

3. Outdoor encampments shall be subject to the following:

a. The outdoor encampment shall be provided with six-foot-tall sight-obscuring fencing that is lockable for security, unless the director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed. The fencing shall not create a sight obstruction at the street, street intersections or curbs as determined by the city engineer.

b. The outdoor encampment shall have a minimum separation of six feet between structures including tents.

c. The outdoor encampment shall be provided with a serviced portable toilet unless provisions to use facilities in adjacent buildings are arranged.

d. The outdoor encampment shall be provided with a portable shower or bathing facility unless other arrangements acceptable to the city are provided.

e. Common cooking facilities shall be provided unless other arrangements acceptable to the city are provided.

f. Permanent power supply to the encampment is required although properly permitted and installed construction site type electrical boxes may be acceptable, as determined by the director.

g. If a structure is used instead of a tent, the structure shall have a door, at least one egress window, and a smoke detector.

h. Only wired electrical heating is allowed in housing units.

i. Exterior lighting must be directed downward and glare contained within the temporary outdoor encampment.

j. Tents over 300 square feet in size and canopies in excess of 400 square feet shall utilize flame retardant materials.

~~4. Duration. The temporary outdoor encampment is subject to a time limit of six months. However, the use may be granted automatic consecutive permits so long as it is maintained in a manner consistent with the requirements of this chapter.~~

B. Extreme Weather Shelters. Extreme weather shelters may be permitted in nonresidential zoning districts and in religious institutions in residential zoning districts. Shelters may be placed

within existing buildings meeting current state and local life/safety codes for the extreme weather shelter. Shelters in buildings unable to meet current codes shall be permitted in accordance with the following standards:

1. The extreme weather shelter facility shall provide bathroom facilities sized for the demand.
2. Smoke and ~~carbon dioxide~~ carbon monoxide alarms shall be provided in each room used for sleeping accommodations. At a minimum, battery powered units are acceptable, as determined by the director.
3. Sleeping areas must have at least two means of egress.
4. The sponsor shall insure that a "fire watch" of awake and capable adults is provided and trained in how to call in emergency services.
5. The sponsor or managing agency shall provide the city with information on what conditions will cause the shelter to open (i.e., weather extremes).

C. Requirements Applicable to Both Temporary Outdoor Encampments and Extreme Weather Shelters.

1. The maximum number of residents at a temporary outdoor encampment or at an extreme weather shelter shall be determined by the director taking into consideration site conditions, but in no instance shall the number be greater than 100 people.
2. On-site parking of the sponsor shall not be displaced unless sufficient required off-street parking remains available to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties.
3. A transportation plan that addresses how people arrive and depart from the facility shall be provided.
4. No children under 18 are allowed to stay overnight in temporary outdoor encampments or extreme weather shelters, unless accompanied by a parent or guardian. If a child under the age of 18 without a parent or guardian present attempts to stay at the temporary outdoor encampment or extreme weather shelter, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child.
5. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary outdoor encampment or extreme weather shelter resident, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the city at the time of application for the temporary use permit. Said code shall be incorporated into the conditions of approval.
6. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Lynnwood Municipal Code, and Snohomish health district concerning, but not limited to, drinking water connections, solid waste disposal, human waste and electrical systems. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

7. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and residents involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish health district requirements.

8. The sponsor and/or the managing agency shall designate points of contact for the Lynnwood police department. At least one designated point of contact shall be accessible at all times. The names of the on-duty points of contact shall be posted on-site daily and their contact information shall be provided to the Lynnwood police department.

9. Facilities for proper trash disposal shall be provided on site throughout the encampment or outside an emergency weather shelter. A regular trash patrol in the immediate vicinity of the encampment or shelter site shall be provided.

10. The sponsor and/or the managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective residents. The managing agency of a temporary outdoor encampment shall use the identification to obtain sex offender and warrant checks from appropriate agencies. It is recognized that it is not possible to undertake background checks at extreme weather shelters that typically provide housing on a night by night basis only so long as the extreme weather persists.

11. The sponsor and/or the managing agency shall immediately contact the Lynnwood police department if someone is rejected or ejected from the temporary outdoor encampment or extreme weather shelter when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person could be a potential threat to the community.

12. The sponsor, the managing agency and temporary outdoor encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.

13. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary outdoor encampment, all temporary structures and debris shall be removed from the host site within one calendar week.

14. Duration. A temporary outdoor encampment or extreme weather shelter is subject to a time limit of six months. However, the use may be granted automatic consecutive permits so long as it is maintained in a manner consistent with the requirements of this chapter.