



ORDINANCE NO. 3090

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING TABLE 21.46.10 IN LYNNWOOD MUNICIPAL CODE (LMC) 21.46.100, LMC 21.46.116, LMC 21.46.200, LMC 21.48.116, AND LMC 21.48.200, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions are consistent with and implement the comprehensive plan and support the public's general health, safety, and welfare; and

WHEREAS, certain provisions of Chapters 21.46 and 21.48 LMC relating to permitted land uses and development standards within the Planned Commercial Development (PCD) and Planned Regional Center (PRC) zones unduly restrict multifamily residential uses; and

WHEREAS, allowing multifamily residential uses within mixed-use buildings within the PCD and PRC zones can support and implement the City's objectives of accommodating future growth in areas where adequate public facilities and services are available, creating a customer base for businesses within the commercial zones, and implementing Smart Growth land use planning principles; and

WHEREAS, in developing the textual code amendments contained herein, the Planning Commission determined that it would be in the community's interest to establish standards for onsite open space and recreation area where multifamily dwellings would be constructed upon commercially-zoned property; and

WHEREAS, on the 26th day of June, 2014, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 7th day of May, 2012, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the 24th day of July, 2014, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as amended; and

WHEREAS, on the 27th day of October, 2014, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; now, therefore:

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

Section 1. Findings. Upon consideration of the provisions of this Ordinance in light of the decision criteria specified by LMC 21.20.500, the City Council finds that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

Section 2. Amendment. Table 21.46.10 in LMC 21.46.100 is amended to read as follows:

Table 21.46.10

Residential Uses	B-3	B-2	PCD	B-1	CG
Adult Family Homes	P	P	P	P	P
All uses permitted in single-family zones	–	–	P	–	–
Multiple-Family Housing Units+	C*	C	P	–	–
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map)	–	–	–	P	P
Caretaker or Watchman Quarters	C	C	–	C	C

Table 21.46.10

Residential Uses	B-3	B-2	PCD	B-1	CG
Living Quarters for Homeless Mothers*	P	P	P	P	P
Motels and Motor Hotels	—	P	P	P	P-X
Respite Care	P	—	P	P	P

* One-acre minimum lot size, subject to standards and procedures established in Chapter 21.43 LMC for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum building height is three stories or 45 feet, whichever is less. Also subject to additional screening or privacy measures as determined by the hearing examiner during the conditional use permit process, including but not limited to: distance, architectural design, significant tree cover, significant elevation change, fencing, reduction or elimination of lighting immediately adjacent to single-family uses, and prohibitions on activities immediately adjacent to single-family uses that will create noise, odor or other impacts (i.e., garbage collection areas, recreation areas, parking lots). See Figure 21.46.1.

Figure 21.46.1
B-3 Parcels Over 1 Acre
(Multi-family uses eligible subject to CUP, height restrictions and
additional privacy measures. See Chapter 21.46 LMC)



Section 3. Amendment. LMC 21.46.116 is hereby amended as follows:

21.46.116 Limitations on uses – Residential uses.

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing.

1. Except for properties zoned PCD, dwellings may be permitted in commercial or office buildings on the fourth floor or higher, provided no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

2. For properties zoned PCD, dwellings may be permitted on the second floor of buildings or higher, provided that:

a. General commercial, office, or similar land uses occupy the ground level of the building where the building faces or abuts a public street.

b. Not more than 20 percent of the linear frontage of the ground level that faces a public street may be used for the entrance, lobby, leasing office, etc. for the building's residences.

c. Floor area at ground level limited to general commercial, office, or similar uses shall have a minimum depth of 30 feet, as measured perpendicular to the building façade, so that the floor area may be occupiable for non-residential land uses.

d. For development sites where the building is not accessible or visible from the abutting public street, the Community Development Director may authorize dwellings to be located below the second floor of the building.

3. For properties subject to the provisions of this chapter, development with multifamily dwellings shall provide a minimum of 40 square feet of onsite recreation area per dwelling. The onsite recreation area shall consist of a minimum of two of the following:

a. Individual patio, deck or balcony immediately adjacent to the corresponding dwelling. Individual patios, decks, or balconies shall be designed so that a 6-foot by 6-foot square will fit within the perimeter of the patio, deck or balcony.

b. Outdoor recreation area accessible to all residents of the development and designed so that a 15-foot by 15-foot square will fit within the perimeter of the outdoor recreation area. Common outdoor recreation areas shall include features such as: landscaped courtyard or plaza; seating; lighting; roof-top garden; children's play structure; and sport court. Outdoor recreation areas may include overhead weather

protection, but shall not be enclosed. Landscaping required within parking areas shall not be considered outdoor recreation area.

c. Indoor recreation space accessible to all residents of the development and designed so that a 12-foot by 12-foot square will fit within the indoor recreation area. Indoor recreation areas shall include furnishings and fixtures for activities such as: aerobic exercise; children's play; indoor games; sports; hobbies and crafts; and video entertainment.

C. Multiple-Family Housing – Highway 99 Corridor in the Community Business (B-1) and General Commercial (CG) zones. Multiple-family housing is permitted in the B-1 and CG zones on specified parcels in the Highway 99 corridor as designated on the city of Lynnwood future land use map. Multiple-family residential development may be combined with mixed use development subject to the following bulk requirements:

Table 21.46.13(a)
Development Level

Development standard	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre
Minimum lot area	None	None
Minimum setbacks*		
Public street	None	None
Interior property lines	None	None
Ground floor residential units+	10 ft.	10 ft.
Minimum sidewalk width along public streets	12 ft.	12 ft.
Maximum lot coverage	35%	None
Maximum building height	50 ft.	90 ft., not to exceed six stories
Minimum dwelling units/acre++	N/A	20 DU/A
Maximum floor-area ratio	1.0	3.0

* See LMC 21.62.450 for development adjacent to a residential zone (Transitional Property Lines).

+ Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian), parking areas, or access easement. Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.

++ The minimum number of residential units to qualify for this level shall be calculated using the entire project site. Where residential development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of a unit are "rounded up" for this calculation.

Buildings within 200 feet of Highway 99 shall be mixed use development with commercial development on the first floor. Phased development may occur on large parcels but the initial development plan is required to illustrate the commercial activity adjacent to Highway 99.

Multiple-family development shall comply with the remainder of the development regulations established in Chapter 21.62 LMC, Highway 99 Mixed Use Zone, unless otherwise indicated in Chapter 21.62 LMC. Stand-alone multiple-family development or mixed use development shall also comply with the Design Guidelines for the Highway 99 Mixed Use zones.

Processing of a multiple-family development, including associated mixed use, will be subject to the provisions set forth in Chapter 21.30 LMC, Planned Unit Development.

D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional permit.

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner and city council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for the protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations, and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

e. Restriction to such intended use except by revision through a subsequent conditional use permit;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

b. Passive recreation and/or open space: 200 square feet per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation and/or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

E. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any time shall not exceed 2:1, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarter shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarter for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992.

Section 4. Amendment. LMC 21.46.200 is amended as follows:

21.46.200 Development standards.

The following standards shall apply to all structures and nonstructural uses in the commercial zones:

- A. General Area and Dimensional Standards. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with the following standards and in conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145 (B)(3) (for purposes of determining the required yards along public street, the classification of streets indicated on the comprehensive plan shall apply):

**Table 21.46.14
Minimum Standards**

	B-3	B-2	PCD	B-1	CG
Area (unless adjacent to similar zoned land)	none	1 ac.	none	none	none
Maximum Area	none	none	none	none	none
Front Yard					
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Side Yard – Street					
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Rear Yard	none*	25 ft.	none*	none*	none*
Maximum Building Height	35 ft.†	none	none	none	none

	B-3	B-2	PCD	B-1	CG
Maximum Lot Coverage	35%	35%	none	35%	35%

Key:

* Except where adjoining a residential zone; see LMC 21.46.220 and 21.46.230.

+ Except that the maximum height within 25 feet of a residential zone is 25 feet; except that 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.

B. Exceptions.

1. *Repealed by Ord. 3010.*
2. *Repealed by Ord. 2295.*

Section 5. Amendment. LMC 21.48.116 is amended as follows:

21.48.116 Limitations on uses – Residential uses.

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing. Dwellings may be permitted , , consistent with the use and development regulations for multiple-family dwellings in the PRC zone.

C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional use permit:

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional

use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

- a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
- e. Restriction to such intended use except by revision through a subsequent conditional use permit;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

- a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;
- b. Passive recreation and/or open space: 200-square-foot minimum per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as a R occupancy for fire and building codes.

3. Expiration.

a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992.

Section 6. Amendment. LMC 21.48.200 is amended as follows:

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 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.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 10th day of November, 2014.

APPROVED:



Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



City Clerk

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

PASSED BY THE CITY COUNCIL: 11/10/2014
PUBLISHED: 12/03/2014
EFFECTIVE DATE: 12/08/2014
ORDINANCE NUMBER: 3090



On the, 10th day of November, 2014 the City Council of the City of Lynnwood, Washington, passed ordinance 3090. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3090

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING TABLE 21.46.10 IN LYNNWOOD MUNICIPAL CODE (LMC) 21.46.100, LMC 21.46.116, LMC 21.46.200, LMC 21.48.116, AND LMC 21.48.200, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this 3rd day of December, 2014..



City Clerk



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3090 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING TABLE 21.46.10 IN LYNNWOOD MUNICIPAL CODE (LMC) 21.46.100, LMC 21.46.116, LMC 21.46.200, LMC 21.48.116, AND LMC 21.48.200, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on November 10, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on December 3, 2014.



City Clerk of the City of Lynnwood, Washington



On the, 10th day of November, 2014 the City Council of the City of Lynnwood, Washington, passed ordinances 3088 through 3090. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3088

AN ORDINANCE ADOPTING THE CAPITAL FACILITIES PLAN FOR THE CITY OF LYNNWOOD FOR THE PERIOD 2015 THROUGH 2020; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3089

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3081, SUPERSEDING ORDINANCE 3087 ESTABLISHING PROJECT FUNDING FOR ENERGY/UTILITY CONSERVATION PROJECTS UTILIZING THE ENERGY SAVINGS PERFORMANCE CONTRACTING (ESPC) PROCEDURES WITH WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES AND AUTHORIZING EXPENDITURES IN PROJECT FUND 411; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3090

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING TABLE 21.46.10 IN LYNNWOOD MUNICIPAL CODE (LMC) 21.46.100, LMC 21.46.115, LMC 21.46.200, LMC 21.48.115, AND LMC 21.48.200, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.
DATED this 3rd day of December, 2014.

Published: December 3, 2014, City Clerk

EDH603591

PUBLIC NOTICE
NOTICE IS HEREBY GIVEN that the Public Notice District No. 1 of