AGENDA
Lynnwood Planning Commission
Thursday, November 18, 2010 — 7:00 pm
City Council Chambers — 19100 44th Ave. W., Lynnwood WA

A. CALL TO ORDER — ROLL CALL

B. APPROVAL OF MINUTES:
   Meeting of October 28, 2010

C. COUNCIL LIAISON REPORT

D. CITIZEN COMMENTS – on matters not on tonight's agenda.

E. PUBLIC HEARINGS
   None

F. OTHER BUSINESS
   None.

G. WORK SESSIONS
      regulations (permitted and prohibited land uses, development regulations, etc.) for the
      Alderwood – City Center Transition Area, generally located east of 36th Ave W., south
      of 188th St. SW and west of Alderwood Mall Blvd.

      and Design Guidelines, together with a Draft Supplemental Environmental Impact
      Report for the Highway 99 corridor, between 216th St. SW and 148th St. SW.

      (2009CAM0004). Amendment to City Zoning Code related to Changing Electronic
      Message Board Signs.

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public
meeting. Parking and meeting rooms are accessible to
persons with disabilities. Upon reasonable notice to the
City Clerk's office (425) 670-5161, the City will make
reasonable effort to accommodate those who need special
assistance to attend this meeting.
# Lynnwood Planning Commission
## Meeting of November 18, 2010

<table>
<thead>
<tr>
<th>Staff Report</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agenda Item: G-1</strong></td>
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<tr>
<td><strong>Transition Area Zoning Regulations</strong></td>
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__Lynnwood Depts. of Community Development and Economic Development__

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**Action**

Discuss and provide direction to staff.

**Background**

The Transition Area is located on the east side of 36th Ave. W. between the City Center and Alderwood Mall. The area had been included in the Lynnwood City Center Subarea as part of the North End District. However, at adoption of the City Center Subarea Plan, neighbors raised concerns about potential impacts on the adjoining single family neighborhood (west of 36th Ave. W). Implementation of the City Center Plan in this area was deferred by designating this area as a Study Area. The 2007 Comprehensive Plan Amendments removed this area from the City Center and designated it as the Alderwood – City Center Transition Area (see description of land use concept, below).

This area is currently designated with two zones: Business and Technical Park (BTP), and Planned Commercial Development (PCD). The portion of the area west of 33rd Ave. W is zoned BTP; the portion east of 33rd Ave. is zoned PCD.

In November, 2008, the City Council authorized a contract with Makers Architecture to recommend new zoning regulations for the Transition Area.

**Relevant Legal Citations**

In 2007, the City Council amended the Land Use Element of the Comprehensive Plan to include the following land use concept for this area:

**"Alderwood – City Center Transition Area**

**Purpose:** This Plan category is intended to provide for a transitional area between the Alderwood Mall and the City Center. The Mall is the retail center of south Snohomish County and experiences a high level of activity, consistent with its retail character. The City Center is intended to be the business center of Snohomish County, with the character and intensity of an urban, mixed use...
downtown area. This Transition Area will contain a mix of land uses that complements these two areas but at a lower intensity so as to minimize impacts on the residential area to the west (across 36th Ave. W.).

"Principle Uses: Offices, retail (excluding big-box stores), restaurants, services and multiple family residences (as part of a mixed use development).

"Locational Criteria: This land use category will be applied to the properties between the Alderwood Mall and the City Center and east of 36th Ave. W.

"Site Design: Buildings will typically cover up to 50 percent of a site, with open parking or parking structures, landscaping, and open space occupying the rest of a site. Usually parking will be located in open parking areas, although some parking may be located in parking structures (either as separate structures or under buildings with other land uses). Pedestrian connections between properties and through the area to both the City Center and Alderwood will be required.

"Building Design: Buildings will be architecturally interesting in appearance, with modulation and articulation of walls, ground-floor transparency, architectural highlighting of pedestrian entries, exterior pedestrian amenities and complementary colors, all as provided by the Citywide Design Guidelines. Building height and location will be managed so as to minimize shading and view blockage for the residential area west of 36th Ave. W.

"Performance Standards: On-site activities shall not substantially impact adjoining properties. Traffic flow from this area shall be managed so as to minimize impacts to the residential area west of 36th Ave. W."

The current zoning regulations for the portion of the area west of 33rd Ave W (BTP zone) are in LMC Chapter 21.50. The current zoning regulations for the portion east of 33rd Ave W (PCD zone) are in LMC Chapter 21.46.

Analysis and Comment

At the Planning Commission meeting of October 28, 2010, the Commission reviewed a revised outline of new zoning regulations for the Transition Area and discussed the results of an analysis of potential impacts on views from the single family neighborhood. Following that discussion, staff has made further changes to the zoning outline and has continued the analysis of impacts on views. The purpose of this work session is to report on those two topics and to seek direction from the Commission about moving forward with drafting zoning regulations for this Area.

Impact on Views: At the October 28 meeting, members of the Planning Commission expressed concerns about the impact of new, taller buildings on existing views of the Cascade Mountains. In response, staff has revised the outline of zoning regulations to suggest controlling such impacts by establishing view corridors. These corridors would be located as extensions of the current rights-of-way of 191st Place and 192nd Street. In these corridors, building height would be limited in order to maintain existing street views – the current proposal for maximum building height is 35 feet about curb
grade/elevation of 36th Ave. (Remember that, under current zoning, there is no maximum building height.) As this limit would significantly reduce the development potential at the property subject to these two corridors, the maximum building height outside of the corridors would be increased. The current proposal suggests a maximum building height of 120 feet. (To allow heights less than allowed in the City Center)

Treatment of 36th Ave. Frontage: The current outline replaces the two previously proposed scenarios for regulations for the 36th Ave. frontage (discussed at the last meeting) with a single recommended approach. This approach retains the “no building area” adjacent to the street and a 35-foot height limit in the first “stair-step”, followed by increased building heights in the second and third stair-steps. These changes are consistent with the reduced height and increased height associated with the “view-corridor” approach, as described above.

Other Changes to the Outline: Staff has also revised the outline in response to specific comments by members of the Commission.

Analysis of Impact on Views: Staff is working on an analysis of the impact of this “view-corridor” concept on existing views; we will report the results of this work at the work session.

Prior Agreement: During discussion of view issues at the last meeting, members of the Commission and Councilmember Hikel expressed concern that changing the zoning regulations in this area would violate a prior agreement between the City and residents of the single family neighborhood. As stated at that meeting, staff has found no evidence of a written agreement regarding zoning of this area. Following that meeting, staff reviewed the Minutes of City Council meetings for the two years prior to adoption of the IP/FP zoning regulations (the predecessor to the current zoning). Again, we found no indication of a separate agreement on the zoning of this area. Staff will discuss the results of this research at this work session.

This research did show indications that there were extensive discussions about zoning regulations for the properties now known as the Transition Area. While it appears that no written agreement about those regulations exists, it’s reasonable to conclude that the current BTP regulations represent the results of those discussions. It’s important to remember that the current work to update these regulations is intended to maintain consistency with that earlier intent/purpose. The land use designation adopted for the Transition Area by the City Council in 2007 (see above) recognizes the need to respect and protect the single family neighborhood on the west side of 36th Ave. The current approach is intended to maintain that consistency by clarifying the restrictions on development along 36th Ave., limiting building heights (remembering that the BTP zoning does not limit building height) and establishing view corridors while allowing for land uses that are more closely linked to current or near-term development opportunities.

Next Steps: Following discussion of these changes and the view analysis, staff will ask for direction from the Planning Commission on the next step for this project: should staff
begin drafting new zoning regulations for the Transition Area, based on the current Outline of Zoning Regulations (with changes identified by the Commission at this meeting), or should we continue to refine the Outline, and review those refinements with the Commission, before drafting new zoning regulations?

Conclusions and Recommendation

Discuss outline and other information and provide direction to staff regarding zoning regulations for the Transition Area.

Attachments

A. Outline of Zoning Regulations (November 18, 2010)
Alderwood-City Center Transition Area
Outline of Zoning Regulations

Purpose
The Alderwood-City Center Transition Area is intended to provide a linkage or connection between
the Alderwood Mall and the City Center, while recognizing the proximity of the single-family
neighborhood on the west side of 36th Ave. This linkage/connection would be developed by allowing
a mix of land uses that complements the two areas but at a lower intensity than the City Center and in
a manner that minimizes impacts on the residential area to the west.

Use Regulations

Permitted Primary Uses – General
Office (all types)
Financial, insurance and real estate services (all types)
Retail (max. floor area for a premise (21.02.578) of 50,000 sf.)*
Research and Development
Flex space
Personal care services (barber, hair salon, nail salon, tanning, etc.)
Print and electronic media businesses, not including external transmitting equipment
Eating establishments (restaurants (except drive-up or drive-through service), taverns, wine and/or
beer bars, brew-pubs, etc.)*
Colleges, universities, trade and professional schools, technical and vocational schools*
Medical clinics
Hospitals*
Human service agency offices
Live/Work spaces*
Multi-family housing*
Senior housing (all types)*
Hotel/motel*
Athletic Clubs and facilities*
Clubhouse and fraternal, social, recreation and other not-for-profit associations, and similar
Libraries, museums, similar cultural uses
Wireless communication facilities (attached)
Veterinarian clinics* (may include boarding of and day-care for small animals, provided all on-site
activities are enclosed in a building)

Conditional Uses – General
Child Day Care (all types, located in a larger building not as a stand alone use)*
Wireless communication facilities (not attached)
Manufacturing
Assembly*

* See uses prohibited in the Limited Development Area

Prohibited Primary Uses
Distribution and warehousing
Warehouses
Prohibited Uses
All uses not listed above, and particularly:
Adult uses and establishments
Drive through businesses
Gas stations
RV Parks, campgrounds and similar
Mini Storage on street level
Municipal Shops (21.02.513)
Outdoor sales and/or storage (Uses not fully contained within a building)
Secure community transition facilities
Sewage treatment plants
Vehicles repair
Work release facilities and similar
Wrecking yards
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 Transition Area (ref. 21.04.300)

Uses in Limited Development Area (LDA):

Limited Development Area (LDA) : The LDA is defined as the area fronting 36th Ave W from the back of the ROW 100 feet deep into the properties.

Retail uses and eating establishments may occupy no more than a total of 50% of the ground floor of a building in the LDA. (Where a building straddles the LDA boundary, this limitation applies only to the portion of the building in the LDA.)

*Prohibited Uses in the LDA:
Multi-family housing
Senior Housing (all types)
Hotel/motel
Child Day Care
Colleges, universities, trade and professional schools, technical and vocational schools
Outdoor athletic facilities and playgrounds
Athletic Clubs and facilities
Veterinary Clinics
Hospitals
Live/Work spaces

Development Standards – Along 36th Ave. W.

Set backs and building heights
25-foot landscaped set back from the front property line and 15 feet additional set back, with surface or underground parking allowed (no buildings allowed in this area);
Then, maximum building height of 35 feet, for next 60 feet (LDA)
Then maximum building height of 85 feet for next 50 feet and
Then maximum building height of 120 feet for the rest of the Transition Area.
Development Standards – General

View Corridor
- Create a corridor along the view of 191st and 192nd from 36th Ave W to 33rd Ave W. Buildings in this corridor can be no more than 35 feet above curb grade.
- Restrict building width on buildings 85 feet or taller to create a more open environment;

Other
1. **Minimum lot area:** 1 acre
2. **Minimum lot width:** 150 feet
3. **Minimum set backs:**
   a. Along 33rd Ave West: Make Exhibit C: None required (sidewalk width of 12 feet)
   b. Along 188th St.: 10 feet
   c. Along Future 194th St Extension: same as 33rd Ave
   d. Interior Property Lines: No setback is required from interior property lines,(standard transition treatment adjoining residential zone at south)
4. **Minimum building separation:** none
5. **Maximum lot coverage:** none
6. **Maximum building height:** 85 feet
7. **Maximum Floor area:**
   a. Limited Development Area: None (Note: Floor area will effectively be limited by regulations for landscaping, building height, building setback and required parking.)
   b. Elsewhere:(3.0)
8. **Access Management:** Per Citywide access management policy, 1 driveway per property
9. **Pedestrian Promenade:**
   a. Provide safe and convenient East/West through block connection from City Center to Alderwood Mall (referred to as The Promenade)
      i. Maintain development rights of The Promenade area (height/density)
   b. Buildings fronting The Promenade: See Design Guidelines – Street Frontage Below
10. **Vehicular Connections:**
    a. Connections between parking lots
    b. 194th St ROW per ORD 2627
11. **Service Areas Including Loading Docks and Refuse/Recycling Areas:**
    a. Locate to avoid visual, auditory, olfactory or physical impacts on street environment and adjacent residential uses
    b. Prohibited facing 36th Ave W.
    c. Should not be visible from the sidewalk or from a public right of way; may be achieved by screening
12. **Open parking and parking structures:** LMC 21.18.800
    a. Residential Surface parking is limited to 1.5 spaces per unit. Tandem parking allowed only for residential uses and only in a structure. Shared parking is allowed.
    b. Provide paved or marked walkways through parking areas
    c. Landscaping required in parking areas to diminish the visual impacts of large paved areas
13. **Multi-Family Residential:**
    a. Density: 70 units per acre
    b. Provide common open space including landscaped courtyards or decks, gardens with pathways, play areas or other open space or activity amenities.

**Project Design Review**
Required, per City Center standard language
Design Guidelines
Use City Center Design Guidelines, with amendments for this area, and:
1. **Pedestrian Connections:**
   a. Minimum of 6 feet in width
   b. Provide safe and convenient pedestrian circulation throughout the site for users, between public right-of-way and building entrances and between parking lots and building entrances (See City Center Design Guidelines page 11: Pedestrian Connections, except 6 foot width instead of 8 foot)
   c. Seating, lighting and other pedestrian amenities required.
2. **Mechanical Screening:**
   a. Roof mounted must be screened so it is not visible within 150 feet of the structure when viewed from the ground level.
   b. Ground mounted must be screened to minimize visual and noise impacts to pedestrians and adjoining properties
3. **Street Frontages:** (Design Guidelines)
   a. Buildings fronting 36th Ave W:
      1. No blank, untreated walls
   b. Buildings fronting 33rd Ave W: See City Center Design Guidelines: Building Design Standards
      1. Building must have a clear convenient entrance to the public sidewalk
      2. Parking areas fronting 33rd must be screened
      3. No untreated or blank walls
      4. Provide pedestrian oriented space or landscaping
      5. Transparency on ground floor façade
   c. Buildings Fronting 188th, provide transparency
   d. Buildings Fronting 194th: Same as 33rd
   e. Buildings fronting the Promenade: Provide additional Pedestrian Oriented Articulation and Details

Non-Conforming Uses, Sites and Structures
Per City Center Standards

Signs
1. Each development shall submit a signage plan to show consistency throughout the project and consistency with guidelines including:
2. **General Sign Regulations:**
   a. Signs with individual backlit letters (i.e. Channel Letter Signage) are permitted.
   b. Neon signs are permitted except on top floor building facades facing West that would be visible from the residential areas West of 36th Ave
   c. External sign lighting (i.e. Uplighting) is permitted but shall not be directly visible from adjacent residential zoned properties
3. **Sign types, sizes, locations, etc.**
   To Be Determined
Action
Discuss

Background
On February 25, 2008, the City Council approved Revitalization Strategies for the Highway 99 corridor (Resolution 2008-02). Among the actions to support economic activity in the corridor, the Strategies call for the City to consider changes to land use planning and zoning in the corridor. The following Strategies are most relevant to discussions of land uses in the corridor:

Create Gathering Places:
- Develop high density mixed use nodes at key locations
- Increase development capacity at key locations
- Introduce housing
- Create parks/plazas

Support Transit Oriented Development
- Allow flexibility in zoning and increase density, particularly at Gathering Places
- Leverage capacity of transit by concentrating housing in walking distance to stations

Allow a wide variety of business types along the corridor
- Connect the Gathering Places with a mix of commercial uses
- Expand commercial zoning back from Highway 99 where appropriate to encourage higher quality developments
- Broaden allowed uses at key sites

As part of implementing these Strategies, the City Council authorized contracting with MAKERS Architecture to prepare a Subarea plan and new zoning regulations and design guidelines for the Highway 99 Corridor (on November 24, 2008). Following a series of
public meetings and work sessions with the Planning Commission (serving as the project advisory committee), MAKERS and staff developed a land use concept for the corridor that provides for:

- Higher intensity mixed-use “nodes” at key intersections along the corridor;
- New zoning and design guidelines for the nodes to guide/direct redevelopment of these areas; and
- Continuation of the existing commercial land uses and zoning in-between the nodes;

Creating the opportunity for new residential development in these nodes is consistent with the City’s approach to accommodating future growth while protecting single family neighborhoods. Protecting these neighborhoods is one of the key goals for the City’s land use plans. At the same time, the state Growth Management Act requires cities to accommodate future growth in existing urban areas (in order to limit sprawl). Allowing new residential development in mixed-use nodes along the Highway 99 corridor allows the City to accommodate new growth while protecting and maintaining the existing single family neighborhoods.

**Relevant Legal Citations**

The Land Use Element of the Comprehensive Plan describes the land use concept for the Highway 99 Corridor as follows:

**“Purpose:** This plan category is intended to identify the area where the City will encourage redevelopment of properties, consistent with the strategies in the Highway 99 Corridor economic study, by allowing a wide range of commercial uses AND allowing mixed use, transit supportive development at major intersections (“nodes”) in the corridor.

**“Principle Uses:** Throughout the corridor, principle land uses will include retail, office (all types), service, and eating and entertainment uses. Existing light industrial uses will be allowed to remain, but no new uses of this type will be allowed. At major intersections (designated by zoning), mixed use development (including multiple family residential) will be strongly encouraged. At properties not designated for mixed use, auto dealerships and other retail uses that require large parking lots will be permitted.

**“Locational Criteria:** The corridor crosses the City in the north-south direction, from 216th St. SW to 164th St. SW, and continues north in the City’s MUGA to 148th St. SW. Except at major intersections, properties either with frontage on the highway or that can be accessed through properties-with-frontage (or directly from an intersecting street) will be designated to this land use category.

“Properties at major intersections along the corridor will be designated for mixed used development, with densities and design requirements that will support transit-supportive development. In select locations (particularly at major
intersections), this land use category may extend east or west of properties with highway-frontage in order to create areas that will encourage redevelopment consistent with the intent on this designation and the economic development strategies.

"Site Design: Development of "corridor" properties will often be at higher intensity and densities and greater lot coverage than is currently found along the Highway 99 Corridor. This will be particularly likely at major intersection "nodes" having high levels of transit service, where development could one day be dense enough to warrant structured parking. The appropriate relationship of buildings to Highway 99 will be defined.

"Building Design: All new development will be required to comply with design guidelines specifically developed to support Corridor strategies.

"Performance Standards: On site activities shall not significantly affect adjoining properties outside the corridor."

Analysis and Comment

The meeting packet for the October 28 Planning Commission included electronic copies of all comments received during the public review period for the draft project documents (Subarea Plan, Zoning Regulations and Map, and Design Guidelines) and the summary table of those comments. For this meeting, staff has drafted responses to each comment on the attached table (see the "Responses" column). These responses indicate whether staff supports a change to the documents in response to the comment and, if so, where or how those changes would be made. At this meeting, staff is seeking concurrence from the Commission on these responses and, as indicated, changes to the project documents.

In this discussion, staff would draw the attention of the Commission to the following two comments:

Re-leasing of "purpose-built" buildings: A number of comments pointed out that at least two buildings in the nodes that were built for specific land uses (auto dealerships, in these cases) are vacant, and the draft regulations would not permit occupancy of those buildings by their intended type of business if the building was vacant when the new zoning goes into effect. However, a similar building that would be occupied when the zoning becomes effective and then became vacant could be re-occupied by the same "intended" use. Further, it would be very difficult, and effectively impossible in some cases, for the owner of a single-use building to lease or occupy it with uses other than those for which the building was built. This situation would create a substantial hard ship for the owner of such a building.

In response, staff is recommending revising the zoning regulations to allow continued occupancy of a purpose-built building by the intended use, even if the building happens to be vacant when the new zoning goes into effect.

Requiring Residential Development in Primary Nodes: The draft Plan and Zoning regulations called for requiring residential development as part of redevelopment of any
property in the primary nodes (148th St., 176th St., and 196th St.). A number of comments expressed concern that residential development is not feasible or economically viable under current conditions in the real estate market and that such a requirement would effectively prohibit redevelopment in the primary nodes. In particular, it could be argued that such a regulation effectively prohibited all use of a vacant property in a primary node.

While staff believes that the real estate market will support residential development along Highway 99 in the near future, we recognize the hardship that such a requirement would cause for owners of currently vacant properties, and so we are recommending making all the nodes “Residential Encouraged.”

Making this change to the project documents will involve a set of individual revisions, including recommending a set of limits on “single-use” development and incentives for mixed-use development and clarifications of the design guidelines regarding supporting a pedestrian-oriented environment while allowing single-use development. If the Commission concurs in this change, the next versions of the project documents will include these changes.

Attachments

Summary of Comments and Responses
### Project Hwy 99

#### Comments on Draft Project Documents, with Responses

<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Re-occupancy of single-use buildings in nodes/single use operations</td>
<td>Should allow continued use of automobile single-purpose structures in nodes (Rood and Ed)</td>
<td>The zoning regulations will be revised to allow continued occupancy of single-purpose buildings.</td>
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<td>21.62.210 banning all “auto-oriented commercial”, including dealerships, in HMURE</td>
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<td>Expansion of Non-conforming uses.</td>
<td>Allowance of 25% expansion for auto-dealer types inadequate (workshop comment)</td>
<td>This limit is intended to limit new investment in non-conforming uses and, over time, to result in conversion of the property to a conforming use; no change recommended.</td>
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<td>Requiring residential development in primary nodes</td>
<td>Costs versus revenues with residential development (Rood)</td>
<td>Revise regulations for nodes to encourage but not require residential development. This change will include revisions to zoning regulations for nodes to create incentives for residential development (such as increased lot coverage, and others) and to the design guidelines.</td>
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<td>Consultant determined retail best marketed and market would not support Residential / preference for zoning to remain the same (SRO)</td>
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<td>Residential required would prevent most national retailers from wanting to be at their location (SRO)</td>
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<td>If a current CG owner finds “encouraged” financially viable, they should do it but if not viable, then they should be able to use CG (Ed)</td>
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### SUBAREA PLAN

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<td>Forced residential within some nodes. Should encourage (Emerald)</td>
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<td>With residential encouraged rather than required, developer can respond to market dependent on demand. This approach would allow redevelopment with most existing uses, subject to lot coverage and design guidelines.</td>
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<td>Transition from existing zoning to vision of Subarea Plan</td>
<td>Assurance of business financial viability during transition (Dana) Alternative for businesses during transition (Dana) Solutions offered (allow current uses w/ node uses), change all permitted to CUP’s, allow two year transition (Dana) Existing Uses and Renewal rights (Emerald) Reliance on constancy of city planning (Ed) How will a business/property owner sustain these economic times if their use changes or ceases (meeting comment)</td>
<td>Planning and its environment are continually in transition and the proposed plan sets in place the vision of the future with the opportunity for mixed use in proximity to the BRT stops.</td>
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<td>Large retail tenants</td>
<td>Larger anchors need more flexibility with parking, access, and visibility (Barber/SRO)</td>
<td>Regulations are intended to accommodate a wide range of tenants; they will be reviewed to identify any particular issues for larger retail tenants. Uses would be subject to the established guidelines within the nodes.</td>
</tr>
<tr>
<td>Adding residential development on Hwy 99</td>
<td>Residential not compatible with high traffic sites and Hwy 99 intersections – residential at mid-block (Barber/SRO)</td>
<td>“Encouraged” approach would allow housing if supported by market. Developer could site retail adjacent to Highway and cross-streets subject to design guidelines. Mixed uses adjacent to high traffic corridors has been</td>
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## SUBAREA PLAN

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<td>Allowing residential development near existing industrial zones</td>
<td>Residential not compatible with industrial zones near 202nd Ave. This area should be maintained for commercial and industrial uses. Visibility of industrial needs to be maintained (SMR)</td>
<td>Industrial zoning would be maintained. Buffering similar to current codes would continue between uses. No nodes are located adjacent to the SMR properties.</td>
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<tr>
<td>Supporting BRT stations.</td>
<td>Focus on area within half mile of stations. Upzone areas for medium density housing to support transit (Krueger)</td>
<td>Nodes might be expanded in the future dependent on market. Market could still allow location of housing adjacent to retail on lots fronting Highway 99. Shouldn’t encroach on single family neighborhoods.</td>
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<td>Incentives for housing</td>
<td>Provide incentives to provide housing and mixed use. Unlimited densities and tax abatements (Emerald) Expand incentive area outside of nodes. Relax lot coverage to all properties. (Emerald) Provide incentives to build housing (workshop comment) City needs to provide incentives (Cantu) Incentives for residences (workshop comment)</td>
<td>Incentives will be provided to encourage housing including property tax abatement and increase in lot coverage. It should be noted that Washington State Law limits the range of incentives that can be offered.</td>
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<td>“Large format” retail at 196th</td>
<td>Proposed zoning and guidelines will preclude “large format” retail” development. Counterproductive to city’s vitality (Emerald)</td>
<td>With “encouraged” approach, retail could continue at 196th subject to lot coverage and guidelines.</td>
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<td>Type of development versus fire and building codes.</td>
<td>Type of development versus fire and building codes. Incompatibility (Emerald)</td>
<td>City is preparing a code revision to accommodate structures (i.e. five story wood over concrete)</td>
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<td>Accommodations for pedestrians</td>
<td>Current codes don’t allow MAKER type development (workshop comment)</td>
<td>City will continue to explore accommodations for pedestrians along the corridor particularly between 176&lt;sup&gt;th&lt;/sup&gt; and 188&lt;sup&gt;th&lt;/sup&gt;.</td>
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<td>Increase accommodations for pedestrians between 176&lt;sup&gt;th&lt;/sup&gt; and 188&lt;sup&gt;th&lt;/sup&gt; (Emerald)</td>
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<td>Emphasis on transit but pedestrian safety not addressed between 176&lt;sup&gt;th&lt;/sup&gt; and 188&lt;sup&gt;th&lt;/sup&gt; (workshop comment)</td>
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<td>Pedestrians along highway are not viable (Ed)</td>
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<td>Requiring residential development in nodes</td>
<td>Smaller lots cannot accommodate multi-family (Ed)</td>
<td>Existing businesses can continue subject to design guidelines and lot coverage. The “residential encouraged” approach will allow single-use (commercial) development on smaller lots.</td>
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<td>Crushing value of smaller properties and smaller businesses with inability to sell or lease property (Ed)</td>
<td>“Encouraged” will allow developers to respond to market with housing a future time.</td>
</tr>
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<td>Condemnation of smaller businesses and sites (Ed)</td>
<td>Existing businesses can continue subject to design guidelines and lot coverage. The City will not be condemning any properties.</td>
</tr>
<tr>
<td>Impacts on small business owners</td>
<td>Selectivity in location of node at 204&lt;sup&gt;th&lt;/sup&gt; St. (inclusion of some dealers while exclusion of others (Ed)</td>
<td>The proposed layout of the 204&lt;sup&gt;th&lt;/sup&gt; St. node (south of 204&lt;sup&gt;th&lt;/sup&gt; St.) is intended to create a connection with the college district while not impacting industrial or auto development on the north side of 204&lt;sup&gt;th&lt;/sup&gt; St.</td>
</tr>
<tr>
<td>Layout of node at 204&lt;sup&gt;th&lt;/sup&gt; St.</td>
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<tr>
<td>Public Development Authority</td>
<td>Consider instituting a Public Development Authority in the corridor. (CT)</td>
<td>City will explore possibility of use of Public Development Authority in the future.</td>
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<tr>
<td>Coordinate growth and development with Edmonds Community College</td>
<td>Students have limited choice in residences and shops (Cantu)</td>
<td>Nodes in the vicinity of 196th and 204th Streets will allow residential development (encouraged) and supportive businesses to the college. Mixed use activities are already allowed between the college and Hwy 99 (College District Mixed Use Zone).</td>
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<td>Increases pedestrian access to college (Cantu)</td>
<td></td>
</tr>
<tr>
<td>Improvements to parks/open space</td>
<td>Improvements to Gold and Scriber Parks – wasted opportunities (Cantu)</td>
<td>The City is planning for improvements to Gold Park and Scriber Park.</td>
</tr>
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<td>Increase bike paths and linkages to existing parks (Cantu)</td>
<td>City will explore the use of bike paths and linkages to the existing parks.</td>
</tr>
<tr>
<td>Maintenance of existing properties</td>
<td>Force owners to maintain properties, including fines if necessary (Cantu)</td>
<td>Maintenance of existing properties and enforcement of housing standards are outside the scope of the Highway 99 project. The City does recognize the concern with enforcement and does have a code enforcement team that is tasked with enforcing existing codes in the corridor (and throughout the City).</td>
</tr>
<tr>
<td>Project Schedule</td>
<td>Timetable for completion of redevelopment (Cantu)</td>
<td>The Highway 99 plan is a long term plan; the timing and pace of redevelopment in the corridor will, effectively, be controlled by the real estate market.</td>
</tr>
<tr>
<td>Pedestrian improvements versus impact to owners</td>
<td>How is pedestrian safety to be improved without loss of parking (Webster)</td>
<td>Pedestrian improvements and parking reconfiguration would occur only with full redevelopment of properties. Such redevelopment would provide off-street parking appropriate to the new use of the property.</td>
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## DESIGN GUIDELINES

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<thead>
<tr>
<th>Issue</th>
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<tr>
<td>Increased development costs (especially with current real estate market conditions)</td>
<td>Requirement of housing, setbacks, amenities, etc. would increase the cost of development or make redevelopment infeasible.</td>
<td>In 2001 the City set a long term goal of improving the appearance of public and private development with adoption of Citywide Design Guidelines and a design review requirement for new development. This program has begun to significantly improve the appearance of development in Lynnwood.</td>
</tr>
<tr>
<td>Guidelines too rigid, need flexibility</td>
<td>Guidelines too rigid, need flexibility (Emerald)</td>
<td>The design departure process in the design program provides substantial flexibility by allowing approval of a design that may not meet the terms of specific guidelines but does meet the design intent of those guidelines. A request for a design departure is considered as part of the normal design review process; no separate application or permit is required.</td>
</tr>
<tr>
<td>Application of design guidelines to BRT stations</td>
<td>Exemp stations from PDR (CT)</td>
<td>The size of the BRT stations is below the threshold for triggering the design review process.</td>
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<td>Proposed setbacks would prohibit construction of future <em>Swift</em> BRT stations in mixed use zones.</td>
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<td>Sign code would not allow future <em>Swift</em> BRT stations to be developed</td>
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<td>Staff will make provisions to allow for branded <em>Swift</em> BRT stations to be constructed.</td>
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<tr>
<td>Drive-through facilities</td>
<td>Drive up windows/uses are essential to many retail businesses on Hwy 99 (SRO); do not prohibit these uses</td>
<td>The intent of the proposed Plan and zoning is to create pedestrian-friendly mixed-use nodes. Drive-up and automotive uses are detrimental to this type of development (they will continue to be allowed along the rest of the corridor). Staff will consider regulations that might allow drive-throughs in locations that would not impair the pedestrian environment of the nodes.</td>
</tr>
<tr>
<td>Outdoor display</td>
<td>Outdoor displays often required for large, retail anchor tenants (SRO)</td>
<td>Outdoor displays are permitted with limitations, see proposed section 21.62.250. Outdoor storage is not recommended as part of creating a pedestrian-oriented environment.</td>
</tr>
<tr>
<td>“Residential-required”</td>
<td>Residential should be encouraged not required (SRO)</td>
<td>The City will amend the proposed zoning to Residential - Encouraged in all nodes and develop a set of incentives for residential development.</td>
</tr>
<tr>
<td>“Commercial required”</td>
<td>Requiring new commercial to be at least 20,000 sq. ft. will impact small projects (SRO)</td>
<td>The City will review this provision with the revision of the zoning to Residential – Encouraged. We expect this provision will be deleted or revised as an incentive.</td>
</tr>
<tr>
<td>Off-street Parking</td>
<td>Parking should be increased (SRO)</td>
<td>The required parking listed in LMC 21.18 and proposed Section 21.62.400 (C) are minimums, except for the maximum amounts set for surface parking provided to residential units. Developers may choose to provide more parking as part of a new project.</td>
</tr>
<tr>
<td>Landscaping / open space requirements.</td>
<td>Too many trees (SRO)</td>
<td>Trees are an important component of</td>
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<td>pedestrian-oriented development; they serve to reduce the visual impact of large buildings and parking lots as well as define pedestrian space. The number of required trees is consistent with requirements in the rest of the LMC.</td>
<td></td>
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<tr>
<td>Landscaping / open space requirements.</td>
<td>Should allow longer distance/separation between parking and landscaping (SRO)</td>
<td>The provision in the proposed zoning is consistent to what is in existing code and will not be changed. See LMC 21.46.210(B)(2)(d)(ii).</td>
</tr>
<tr>
<td>Landscaping / open space requirements.</td>
<td>Required size of planting area is too high (SRO)</td>
<td>The provision for landscaping is proportionate to what is in existing code; the difference being the LMC requires a percentage of landscaping based on the location of parking instead of a set rate. Staff will review whether this should be a set rate or a percentage.</td>
</tr>
<tr>
<td>Landscaping / open space requirements.</td>
<td>Too much open space for pedestrians (SRO)</td>
<td>This provision is equivalent to the requirement for City Center and is appropriate for medium- to high-density mixed use zoning.</td>
</tr>
<tr>
<td>Landscaping / open space requirements.</td>
<td>30 feet between street trees is too tight (SRO)</td>
<td>LMC 21.46.210(B)(2)(b), which states that street trees in the General Commercial zone shall be planted 25 feet or less apart. Staff may revise this requirement to be consistent with the adjacent zoning along the corridor.</td>
</tr>
<tr>
<td>Land uses</td>
<td>Prohibited uses and limitations of zoning would eliminate uses supportive to anchor stores (Barber/SRO)</td>
<td>Lynnwood zoning regulations generally provide that any use not listed is prohibited. In this case, staff believes that certain prohibited uses needed to be clearly listed in</td>
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<tr>
<td>Minimum number of multi-family units</td>
<td>Number of units to meet density. Percentage of site to be dedicated to the residential use to meet the density? (Krueger)</td>
<td>The City will review this provision with the revision of the zoning to Residential – Encouraged.</td>
</tr>
<tr>
<td>Minimum amount of commercial/emphasis on commercial</td>
<td>Establishment of minimum amount of commercial. Amount of commercial appears plentiful along Hwy 99. For commercial to be successful, residential is needed. Market might best determine amount of commercial/residential. 20,000 may overwhelm small parcels. Flexibility left with planning director? (Krueger)</td>
<td>The City will review this provision with the revision of the zoning to Residential – Encouraged.</td>
</tr>
<tr>
<td>Lack of bulk requirements/lack of incentives.</td>
<td>No restrictions besides setbacks. No restrictions. No incentives to provide community benefits (Krueger)</td>
<td>Changing to a “residential encouraged” approach (mentioned above) will include consideration of incentives to include residential units in redevelopment at the nodes. In addition, the proposed zoning and guidelines both set requirements for landscaping, building articulation, amenities, and access which effectively serve as bulk restrictions.</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>Amount of parking (residential - 1.25 spaces) seems excessive to encourage transit. Consider shared parking. (Krueger)</td>
<td>Establishing parking requirements for the nodes requires balancing the goal of encouraging transit use while taking account of Lynnwood’s existing suburban character.</td>
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<tr>
<td>Landscaping requirements</td>
<td>Include landscaping requirements in design guidelines. Would be easier to amend then zoning code. Include requirement for street trees to landscaping (Krueger)</td>
<td>Staff intentionally included some landscaping requirements in the zoning code and some requirements in the design guidelines. Design guidelines offer minimum standards with the opportunity for flexibility through the design departure process. Provisions in the zoning code are mandatory and may be relaxed through approval of a variance.</td>
</tr>
<tr>
<td>Open Space</td>
<td>Non-residential Open Space. Provide illustrations. 1% may not be sufficient (Krueger)</td>
<td>This provision is equivalent to the requirement for City Center and is appropriate for medium- to high-density mixed use zoning.</td>
</tr>
<tr>
<td>Storm water run-off</td>
<td>Consider reducing hard surface requirement to 50% if green roofs are provided (Krueger).</td>
<td>This incentive will be considered as part of revising the proposed zoning to Residential – Encouraged.</td>
</tr>
<tr>
<td>Incentives for Housing</td>
<td>Incentives for affordable housing? (i.e. 10% of housing to be affordable) Increase of floor area ratio (Krueger)</td>
<td>Incentives for affordable housing is a project staff expects to review after these proposals are adopted; specifically staff is researching expansion of the tax abatement for multiple-family housing units currently available to projects in the City Center zone.</td>
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<tr>
<td>Incentives for Housing</td>
<td>Use of Transfer of Development Rights as incentive. Allowance of height or increase in density (Krueger)</td>
<td>As the City has not taken any action to endorse use of Transfers of Development Rights anywhere in Lynnwood, the use of Transfer Development Rights on Hwy 99 is beyond the scope of this project.</td>
</tr>
<tr>
<td>Parking Requirement</td>
<td>Discourage development of parking stalls to encourage ridership (CT)</td>
<td>The proposed parking requirements are significantly lower than what is required by LMC 21.18, and additional provisions in LMC 21.18 allow for shared parking, reduced parking, as well as commute trip reduction programs. Staff does not recommend further lowering the minimum or setting a maximum at this time.</td>
</tr>
<tr>
<td>Exemption of stations from PDR</td>
<td>Exemption of stations from PDR for continuity (CT)</td>
<td>Project Design Review is only required for construction or expansion of stations exceeding 1,000 sq. ft., which is effectively an exemption since it is very rare for a station to reach this size.</td>
</tr>
</tbody>
</table>
Lynnwood Planning Commission
Meeting of November 18, 2010

Staff Report

Agenda Item: G3
Zoning Code Amendment - Changing
Electronic Message Board Signs
(2009CAM0004)

Lynnwood Community Development Dept.

Action

Discussion.

Background

Earlier this year the Planning Commission developed a draft ordinance amending the City of Lynnwood’s electronic message board sign regulations. Since that time, environmental review (SEPA) on the proposed ordinance has been completed, as well as the State required 60 day State agency review period. No comments were received as part of either process.

A Planning Commission public hearing on the proposed ordinance has been deferred pending the Planning Commission’s completion of certain other work items, including the annual Comprehensive Plan amendments and the Shoreline Master Program (which has been under development for several years). The Highway 99 Sub-Area Plan process and the City Center transition area have also been given priority as consultant work and timelines are tied to each of those topics.

With anticipation that the Planning Commission work program will provide an opportunity to schedule a public hearing on the proposed electronic message board sign regulations in January or February of 2011, the draft ordinance is being brought back now to re-familiarize the Planning Commission with its content.

Recommendation

Discussion.

Attachments

Attachment A   Draft Ordinance
CITY OF LYNNWOOD

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, AMENDING SECTIONS 21.16.310 AND
21.16.320 OF THE LYNNWOOD MUNICIPAL CODE
RELATING TO THE REGULATION OF ELECTRONIC
CHANGING MESSAGE SIGNS; AND PROVIDING FOR
SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
PUBLICATION.

WHEREAS, pursuant to 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, the City has previously enacted ordinances relating to the regulation of signs
that are erected or altered within the City, which regulations are contained in Chapter 21.16 of
the Lynnwood Municipal Code (the “Sign Code”); and

WHEREAS, the purposes of the Sign Code are set forth in LMC 21.16.050, and such
purposes include, but are not limited to, the City’s desire to allow signs that effectively and
safely promote local business, while enhancing the visual environment of the City and mitigating
negative impacts on traffic and pedestrian safety; and

WHEREAS, the City Council believes that signage should invite rather than demand the
public’s attention; and

WHEREAS, signs using certain display methods are more likely to have more distractive
effects than other signs and may pose additional risks to traffic and pedestrian safety; and

WHEREAS, maintenance and enhancement of the aesthetic environment and providing
for the public safety are valid bases to regulate signage; and

WHEREAS, the Council finds that signs which display fast-moving animation and
Television-quality video should be regulated; and

WHEREAS, the City’s Comprehensive Plan supports implementing standards to ensure
attractive and well-scaled signage to enhance the community image; and

WHEREAS, for these reasons the City Council finds it necessary to amend the Sign
Code; now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:
Section 1. Findings. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Amendment. Section 21.16.310(D) of the Lynnwood Municipal Code is hereby amended as follows:

"D. Electronic Changing Message Signs. No sign shall have blinking or flashing lights; provided, however, electronically changing message signs shall be allowed. These signs shall not change displays or images at a rate less than one every five seconds except for signs which provide alternate messages only as to times and temperature, which may change at a rate of not less than one message every two seconds. All such signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness. Electronic Changing Message Signs shall be subject to the following requirements:

1. Number. No more than one (1) electronic changing message sign shall be permitted on each property, except that one (1) additional electronic changing message sign may be allowed in addition to the maximum allowable signage if it provides alternate messages limited to time and temperature only.

2. Sign type. Electronic changing message signs may be of any sign type allowed in the applicable zoning district; except that, in the City Center zones (CC-W; CC-C and CC-N) electronic changing message signs shall be monument or grounds signs only.

3. Height.

   a. Pole Signs. The maximum height of a pole sign with an electronic changing message sign shall be five (5) feet lower than the maximum height of a pole sign without an electronic changing message sign.

   b. Wall Signs. The maximum height of a wall sign with an electronic changing message sign shall be the same as a pole sign as calculated in section 21.16.310(D)(3)(a) above.

4. Lighting/Light Levels

   a. Electronic changing message signs shall have ambient light monitors installed and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.

   b. The maximum brightness levels for electronic changing message sign shall not exceed eight thousand (8,000) nits when measured from the sign’s face at its maximum brightness during daylight hours and five hundred (500) nits...
when measured from the sign’s face at its maximum brightness between dusk and dawn.

5. Display

a. The display of the electronic changing message sign shall not change more rapidly than once every three (3) seconds. Electronic changing message signs that use a video display method are prohibited. The term “video display method” means a method of display characterized by real-time, full-motion imagery.

b. The display shall not, or shall not appear to, flash, undulate, pulse or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.

c. Electronic displays shall be a fixed message and shall not change during any of the following described time periods:

(i) hours that are outside the normal business hours for the particular business, premise or facility; and
(ii) between the hours of 11:00 P.M. and 7:00 A.M.

Electronic changing message signs that provide for alternate messages as to time and temperature only shall be exempt from this requirement.

6. Protection for Residential Zones. Electronic changing message signs shall be located to direct or reflect lighting away from any RS (RS-8, RS-7, RS-4) or RM (RML, RMM, RMH) zone. The director shall have the authority to require a sign permit application include information to ensure the intent of this requirement is met.

7. Additional Requirements. Electronic changing message sign permit applications shall include a signed certification from the property owner and/or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City. This requirement shall apply to subsequent property owners and/or operators.

8. Amortization. Electronic changing message signs in existence at the time of adoption of this ordinance shall be required to comply with the requirements of LMC 21.16.310 D(5)(a) through D(5)(c) of this section by __________________, 2011.

[Note: Insert date that is one year following the adoption of the ordinance]
Section 3. Amendment. Subsection 21.16.320 C of the Lynnwood Municipal Code is amended as follows:

"21.16.320 Signs in planned regional shopping center zone.

Only the following signs are permitted, subject to the following limitations: . . .

C. Electronic Changing Message Signs. Electronic changing message signs are permitted, provided such signs shall be subject to the regulations of LMC 21.16.310(H)(D), and that electronic changing message signs shall be located such that they:

1. Are predominantly not visible from a public right-of-way.
2. Are located on a building elevation with a primary entrance and facing an area predominantly used by pedestrians.
3. Are located on a building that is part of a larger building site as defined by LMC 21.02.175 that has at least 50 acres in area."

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL, the _____ day of ________________, 2010 and approved by the Mayor this _____ day of ________________, 2010.

APPROVED:

________________________
Don Gough
Mayor

ATTEST/AUTHENTICATED:

________________________
Pat Dugan
Interim Finance Director

APPROVED AS TO FORM:

________________________
Rosemary Larson
City Attorney
FILED WITH ADMINISTRATIVE SERVICES: 

PASSED BY THE CITY COUNCIL: 

PUBLISHED: 

EFFECTIVE DATE: 

ORDINANCE NUMBER: 

SUMMARY OF ORDINANCE NO. ___

of the City of Lynnwood, Washington

On the ___ day of ____________, 2010, the City Council of the City of Lynnwood, Washington, passed Ordinance No. ___. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTIONS 21.16.310 AND 21.16.320 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO THE REGULATION OF ELECTRONIC CHANGING MESSAGE SIGNS; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this ______ day of ____________, 2010.

PAT DUGAN
INTERIM FINANCE DIRECTOR