AGENDA
Lynnwood Planning Commission
Thursday, September 8, 2011 — 7:00 pm

Note Location: Meeting Room at Fire Station 15,
18800 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES
   none

C. PUBLIC COMMENTS – on matters not on tonight's agenda for a public hearing.

D. PUBLIC HEARINGS
   1. Revisions to City Center Development Regulations (2011CAM0006).
      Amendments to Ordinance No. 2627 (City Center Street Grid Protection Ordinance),
      Title 21 (Zoning), including (but not limited to) Chapter 21.60 of the Lynnwood
      Municipal Code (City Center (CC) zones), the City of Lynnwood Zoning Map, and the
      City Center Design Guidelines. These amendments, if approved, would revise:
      1) The requirements to dedicate property for grid street and park/plaza purposes;
      2) Zoning regulations for development/redevelopment of properties in the City Center
         (including, but not limited to building height, floor area ratios, bulk, street standards,
         setback and signage);
      3) City Center design guidelines for site planning and building design; and,
      4) Zoning Map to identify gateways and prominent intersections.

E. WORK SESSIONS
      Lynnwood Municipal Code Chapter 21.42 (Residential Zones) regarding the keeping of
      chickens at properties zoned for single family residential use.

F. OTHER BUSINESS

G. COUNCIL LIAISON REPORT

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 September 8, 2011*

**Staff Report**

Agenda Item: D-1  
Proposed Development Regulations Related to the City Center

**ACTION**
Complete public hearing. Following the public hearing, make a recommendation on the proposed code and design guideline amendments to the City Council.

**UPDATE**
A public hearing was held on June 9, 2011 and was continued to July 14, 2011 to allow the public additional time for review and comment. The hearing was further continued to September 8, 2011 to meet with the Lynnwood Public Facilities District to discuss to the proposed amendments relating to a conceptual development.

The findings from the meetings with the PFD, described in greater detail in the PFD questions matrix attached, concluded that the proposed amendments support the PFD's site development.

Also attached is a summary matrix of proposed changes to the amendments since the July 14th Hearing as well as the redlined documents showing the proposed amendments. The changes in the redline documents since the July 14th Hearing are highlighted for reference.

A letter dated August 31, 2011 was received from Larry Ingraham of Emerald Properties Brokerage and Development, LLC regarding Snohomish County UC Zoning Municipal Agreements. The letter and Staff response are attached to this Report.

**BACKGROUND**
Staff provided Planning Commission background at the Hearing’s on June 9th and July 14th, 2011. These documents are available online at:  
http://www.lynnwoodeconomicdevelopment.org/CityCenter/CouncilPresentations.ashx

**NEXT STEPS**
The City Council is anticipated to review the Planning Commission’s recommendations on the proposed code amendments fall 2011. A public hearing by City Council and consideration for adoption of the regulations will be scheduled before the end of 2011.

**RECOMMENDATION**
Following the public hearing, staff recommends that the Planning Commission recommend adoption of the proposed amendments to the zoning regulations and design guidelines for the City Center to the City Council.

**ATTACHMENTS**
1. Updates Matrix from July 14, 2011
2. PFD Questions and Staff Response Matrix
3. Draft Ordinance Amending Ordinance 2627, Title 21 and City Center Design Guidelines
4. Draft Ordinance Amending the City Zoning Map
5. 8/31/2011 Letter from Larry Ingraham and Staff Response
Planning Commission Hearing September 8, 2011:  
PFD QUESTIONS & STAFF RESPONSES

**Summary:**
- City Staff met with PFD Staff and Consultants on 7/28/11 and again on 8/18/11 to discuss the PFD’s questions on the proposed amendments as it relates to their proposed conceptual site phasing. Staff will be meeting again with the PFD on 9/7/11.
- Below is an outline of the questions the PFD raised in their 7/26/11 letter to Staff entitled “Conceptual Pre-Development Site Application” as the basis for the meetings.
- Staff created recommendations for items that relate to the proposed Code and Design Guideline Amendments under consideration and responses to the other questions.

<table>
<thead>
<tr>
<th>Letter #</th>
<th>PFD Question</th>
<th>Applicable to Proposed Revisions?</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>1. &amp; 4.</td>
<td>Promenade Walkway</td>
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<tr>
<td>1.a.ii &amp; 4.e.</td>
<td>PFD proposes modified Promenade Walkway route along 196th &amp; 36th right of way.</td>
<td>YES</td>
<td>A mid-parcel Promenade Walkway connection is not required, but an FAR bonus incentive is available for the property owner to construct and maintain. <strong>STAFF RECOMMENDATION:</strong> Provide a second tier FAR bonus incentive amount for the Promenade Walkway locations along or integrated into the public right of way and amend the Design Guideline language to allow.</td>
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<tr>
<td>4.a.</td>
<td>Has the City included the Promenade Walkway costs along 194th into the cost of 194th?</td>
<td>NO</td>
<td>The placement and cost of the Promenade Walkway could be addressed in the 194th street project. Incentives are proposed for private property owners that choose to construct promenade improvements as part of their projects.</td>
</tr>
<tr>
<td>4.b.</td>
<td>How will the Promenade Walkway be ADA compliant connecting to 194th?</td>
<td>NO</td>
<td>This would be established as part of the construction project for the promenade which could be associated with construction of either a public or private project.</td>
</tr>
<tr>
<td>4.c.</td>
<td>Has the City discussed the Promenade Walkway with the current owners of the property to the west of the PFD</td>
<td>NO</td>
<td>The City has met with this property owner in addition to public meetings that were noticed, not related to this matter</td>
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<tr>
<td>Letter #</td>
<td>PFD Question</td>
<td>Applicable to Proposed Revisions?</td>
<td>Response</td>
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<td></td>
<td>property?</td>
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<td>specifically. This is an optional FAR bonus feature.</td>
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<td>4.d.</td>
<td><strong>When and how will the Promenade Walkway construction be required as various properties are developed?</strong></td>
<td>YES</td>
<td>This is an optional FAR bonus feature, which is not required. As developments decide to participate (or not) this pedestrian connection is anticipated to fill in over time as developments proceed.</td>
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<tr>
<td>2.</td>
<td><strong>194th Street Extension</strong></td>
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<tr>
<td>2.a.</td>
<td><strong>When will the new streets be built?</strong></td>
<td>NO</td>
<td>194th is included in the 6 year TIP. The 6 year TIP is updated annually and projects timeframes may shift based upon funding available and priorities. This street project is currently not funded.</td>
</tr>
<tr>
<td>2.b.</td>
<td><strong>What is the alignment, route and grade?</strong></td>
<td>NO</td>
<td>The proposed amendments to this ordinance add additional flexibility to the property owners affected by this project. The design of the project will be undertaken with the affected property owners.</td>
</tr>
<tr>
<td>2.c.-f.</td>
<td><strong>What does “designate right of way” mean as called for in the City Center documents? How will the PFD be compensated? How will tenants be compensated? How will the City replace parking?</strong></td>
<td>NO</td>
<td>Ordinance 2627 states that development shall “dedicate” right of way. LMC 19.10.090 Dedication (relates to subdivisions) is defined as: “Dedication” means the deliberate appropriation of land or improvements by the owner for any general and public use, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The dedication shall be evidenced by the owner on the final recorded documents, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city council. The concept of right of way dedication and nexus as it relates to project development and development of future streets where right of way is needed was discussed at the meetings with the PFD on 7/11/11, 7/28/11 and 8/18/11.</td>
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<td>3.</td>
<td><strong>196th Street Crossing</strong></td>
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<tr>
<td>3.a.</td>
<td><strong>How should the PFD Plan for the Promenade to cross 196th?</strong></td>
<td>NO</td>
<td>The placement of the Promenade Walkway will be driven by project proposals. Projects that want to achieve the FAR bonus will propose design meeting the requirements at that time.</td>
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<td>Letter #</td>
<td>PFD Question</td>
<td>Applicable to Proposed Revisions?</td>
<td>Response</td>
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<td>3.b.</td>
<td>Has the City reviewed the crossing with WSDOT?</td>
<td>NO</td>
<td>The City has worked with WSDOT in the Access Study for 196th and will work further with WSDOT for the Channelization and Future Signals as design proceeds.</td>
</tr>
<tr>
<td>3.c.</td>
<td>How does the City plan to fund the crossing of 196th?</td>
<td>NO</td>
<td>Future projects may determine the need and ability for such crossing. The proposed amendments provide alternative crossing options at 40th and/or 42nd Ave. W.</td>
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<td>5.</td>
<td>Traffic Mitigation Fees</td>
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<td>5.a.</td>
<td>Will Traffic Mitigation Fees apply to new development on the PFD property?</td>
<td>NO</td>
<td>Yes, the TriF is phased in over a 5 year period and there are waivers in the City Center to provide an incentive for development.</td>
</tr>
<tr>
<td>5.b.</td>
<td>What would the estimated amount be?</td>
<td>NO</td>
<td>The estimated amount of the Impact Fee is based on detailed information submitted by the applicant.</td>
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<td>6.</td>
<td>Design Guidelines</td>
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</table>
|         | PFD recommends the concept of phasing be memorialized at the beginning of the Design Guidelines document. At the same time the PFD recommends that the allowable degree of deviation if any from the Design Guidelines be addressed, as well. | YES                               | STAFF RECOMMENDATION:  
Added a reference to the design departure process in the introduction section of the Design Guidelines. Also added a 5 year waiver of the building height minimum.                                                                                                                                                                                                 |
## Planning Commission Hearing September 8, 2011:  
Matrix of Updates from July 14, 2011 Hearing

<table>
<thead>
<tr>
<th>#</th>
<th>LOCATION</th>
<th>ISSUE</th>
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<tbody>
<tr>
<td>1</td>
<td>Code and Design Guidelines</td>
<td>General minor Clarifications to Language Needed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Minor Clarifications Made as Needed</td>
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<tr>
<td>2</td>
<td>Page 2</td>
<td>Whereas Statements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Updated with current status</td>
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<tr>
<td>3</td>
<td>Pages 3 and 4 Sections 1 and 2</td>
<td>Future Street Rights of Way location flexibility and nexus for street dedications.</td>
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<tr>
<td></td>
<td></td>
<td>• Clarified that the Public Works Director may deviate street location descriptions and that the dedications will be roughly proportional to the project impacts.</td>
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<tr>
<td>4</td>
<td>Page 5-6 Section 5</td>
<td>Clarifications needed for definitions</td>
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<tr>
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<td></td>
<td>• New Development: Clarified definition and limited to building footprint expansion instead of any additional building square footage. Also limited certain minor footprint expansions. (See Nonconforming Buildings below).</td>
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<td>• Occupiable Space: Removed examples from the definition.</td>
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<td>• Promenade Street: Clarified boundary of Promenade Street definition (and updated reference in Table 21.60.4 Street Standards) due to possible future extension of 198th St. SW.</td>
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<td>• Promenade Walkway: Moved design items to Design Guidelines and simplified definition.</td>
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<td></td>
<td>• Public Plaza: Moved design items to Design Guidelines.</td>
</tr>
<tr>
<td>5</td>
<td>Page 7 Section 7</td>
<td>Clarifications needed for prohibited uses</td>
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<td>• Accessory Outdoor Areas: Removed Community Development Director determination of type and size and added not to exceed half an acre in size.</td>
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<td>• Warehouses: Added allowance up to 20% of the building’s gross floor area (for the purpose of retail operations).</td>
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<tr>
<td>Page</td>
<td>Section</td>
<td>Topic</td>
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<tr>
<td>6</td>
<td>8</td>
<td>Implementation of Minimum Building Height</td>
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</table>
| 7    | 8       | FAR Notes and Bonus Features | • Added a note to clarify the calculation of floor area.  
• Promenade Walkway: Added a FAR bonus for Promenade Walkway that is along or located within the public right of way based on discussions with the LPFD. Clarified requirements differences between the two Promenade Walkway bonus features.  
• **NOTE:** Did not reduce the as of right maximum FAR for New Development, although the height minimum was waived for 5 years. This means that the as of right allowable FAR is higher without the need for FAR bonus features or requiring a height minimum. |
| 8    | 8       | Bicycle Facilities and Service Areas | • Added language allowing bicycle storage may be located inside  
• Clarified Service Areas location and enclosure requirements |
| 9    | 9       | Signs | • Corrected Title and LMC reference |
| 10   | 10      | Street Standards Table Notes | • Updated the Promenade Street (198th St. SW) standards consistent with fire requirements within the existing curb to curb dimension.  
• Updated Director Determination language with concurrence of the Fire Marshal |
<p>| 11   | 12      | Nonconforming Buildings | • Changed from 15% expansion not subject to building height minimum to a waiver of the building height minimum for five years to accommodate expansions and new development in the early years. |</p>
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<tr>
<th>#</th>
<th>LOCATION</th>
<th>ISSUE</th>
<th>CHANGE</th>
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<tbody>
<tr>
<td>12</td>
<td>Page 2</td>
<td>Design Departure</td>
<td>• Added Design Departure language to the Introduction based on discussions with the PFD.</td>
</tr>
<tr>
<td>13</td>
<td>Page 6</td>
<td>Curb Cuts</td>
<td>• Clarified location of width requirements</td>
</tr>
<tr>
<td>14</td>
<td>Page 7</td>
<td>Surface Parking Lot Location</td>
<td>• Removed requirement for larger sites to provide conceptual plan for phasing parking into structured parking garages.</td>
</tr>
<tr>
<td>15</td>
<td>Page 8</td>
<td>Parking Lot and Site Landscaping</td>
<td>• Reverted to original lesser requirement for parking lot trees at 1:6 versus 1:4</td>
</tr>
<tr>
<td>16</td>
<td>Page 10 &amp; 11</td>
<td>Streetscape</td>
<td>• Removed sidewalk and parking requirements that are duplicated in the code.</td>
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<td>• Retained original language regarding street trees in Appendix A as there will be a forthcoming streetscape program.</td>
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<td>• Removed requirements for streetscape amenities, will be part of Streetscape Program Attachment A.</td>
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<tr>
<td>17</td>
<td>Page 12</td>
<td>Site Lighting</td>
<td>• Removed complimentary lighting guideline</td>
</tr>
<tr>
<td>18</td>
<td>Page 13</td>
<td>Pedestrian Connection/Walkways</td>
<td>• Simplified walkway through parking lots to be consistent with other walkway widths.</td>
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<td></td>
<td>• Updated Promenade Walkway language based on discussions with the PFD to allow to be along and within the public right of way.</td>
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<td></td>
<td>• Clarified phasing requirements of Pedestrian Connections/Walkways with development phasing.</td>
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<tr>
<td>19</td>
<td>Page 15</td>
<td>Vehicular Connections</td>
<td>• Clarified language for requirements consistent with Pedestrian Connections and maximum width.</td>
</tr>
<tr>
<td>20</td>
<td>Page 17</td>
<td>Open Space/Public Plazas</td>
<td>• Moved language from code definition requirements into Design Guidelines.</td>
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<td>• Increased landscape area required from 10% to 20% minimum.</td>
</tr>
<tr>
<td>21</td>
<td>Page 20</td>
<td>Building/Sidewalk Relationship</td>
<td>• Clarified to be consistent language with code language for future street right of way line.</td>
</tr>
<tr>
<td>22</td>
<td>Page 23</td>
<td>Weather Protection</td>
<td>• Clarified canopies over sidewalks and walkways.</td>
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<td>• Changed width from 6 feet to 5 feet minimum width to be consistent with Citywide standards.</td>
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</table>
CITY OF LYNNWOOD

ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE NO. 2627, AMENDING LMC SECTIONS 21.02.715, 21.60.075, 21.60.100,
21.60.200, 21.60.300, 21.60.400, 21.60.500, 21.60.600, 21.60.700,
21.60.800, ADDING A NEW SECTION 21.60.475 AND AMENDING
THE CITY CENTER DESIGN GUIDELINES AND PROVIDING FOR
SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY
PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the
State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances
of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553
adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan;
and,

WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554
adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new chapter to
Lynnwood Municipal Code Title 21; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625 amending
Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned sites of public
streets and parks/plaza in the City Center; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627
establishing a street grid protection ordinance for the City Center Sub-Area; and,

WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for parks/plazas in the
City Center; and,

WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center parks as
general, and not specific, evidenced by statements in the City Center Sub-Area Plan that the location of
the Town Square park in the Core "should be roughly in the center" and CCPS #3 "...These parks and
public spaces, or their spatial or functional equivalent, shall be provided as new development occurs in
the City Center"; and,

WHEREAS, the Lynnwood zoning code (LMC section 21.60.600 entitled “Design
Review”), provides for specific locations of the City Center parks requiring that development demonstrate
consistency and compatibility with the planned location of City Center parks and plazas, the location of
which are described in detail in that section (21.60.600); and,

WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid
system in the City Center to break down superblocks and encourage a more pedestrian friendly
environment; and,
WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a regulatory mechanism to require the dedication of public right of way to implement a finer City Center grid system and to also provide for the acquisition of public right-of-way for streets that will serve to mitigate City Center transportation impacts; and,

WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has conducted studies ("Lynnwood City Center Access Study" Perret Engineering, September 2007 and "Lynnwood City Center Street Master Plan" David Evans and Associates, Inc., December 2009) to further analyze the City Center Street system and, the optimal location of the proposed street grid, to refine the transportation network and to identify improvement needs for the City Center with specific attention to analysis of the secondary street network and transportation improvements necessary to mitigate transportation impacts; and,

WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary streets (42nd Avenue W. and 194th Street SW extension) were "system improvements", both needed to mitigate capacity within the City Center, and that the remainder of the new secondary streets (e.g. 41st Avenue W. 43rd Avenue W. etc.) are identified as "project improvements" and are not necessary to mitigate transportation capacity needs for the City Center; and,

WHEREAS, based on the conclusions of the above referenced studies, the City finds that the current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than necessary to achieve the purpose of ensuring transportation mitigation than what was originally envisioned when the City Center Plan was adopted; and,

WHEREAS, with the passage of time since the adoption of the City Center zoning code, amendments to the code have been identified to better implement the intent of the City Center Sub-Area Plan; and,

WHEREAS, factors influencing the preparation of amendments to City Center development regulations include recognition of the need to be responsive to the change in market conditions brought on by the "Great Recession" by offering more flexibility, findings of studies conducted since the time of the adoption of the City Center Sub-Area Plan, and the identification of opportunities to increase code clarity and predictability of the regulations; and,

WHEREAS, on June 7, 2011 the proposed amendments were received by the Washington State Department of Commerce for State agency review in accordance with RCW 36.70A.106 with no comments having been received; and,

WHEREAS, the City of Lynnwood Planning Commission held a duly noticed public hearing on June 9, 2011, which was continued to July 14, 2011 and then further continued to September 8, 2011; and

WHEREAS, the City of Lynnwood Planning Commission determined that the Hearing Continuations were appropriate to allow for further public outreach including informational meetings held on June 16, 2011 and June 29, 2011 as well as meetings with individual property owners that requested further meetings; and

WHEREAS, following the public hearing and considering the testimony, the City of Lynnwood Planning Commission made a recommendation to Council; and

WHEREAS, the City Council held a duly noticed public hearing on [INSERT DATE], 2011

WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that the zoning ordinance and other implementing development regulations provide the level of predictability, certainty and consistency needed for redevelopment of the City Center by all property owners, businesses, citizens; and,
WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood zoning code, City Center Design Guidelines, and Ordinance No. 2627; and,

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

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

Section 1. Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows:

Section 1. The following new streets shall be located in the City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may deviate pursuant to the determination of the Public Works Director from the centerlines described below may be built with the centerline deviating up to 35 feet to either side of these descriptions, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries. The true alignment of the centerline of each route would run generally parallel to existing 44th Avenue W or existing 196th Street SW, to the extent practical.

41st Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Boulevard to proposed 195th Street SW, approximately 360 feet north of the centerline of existing 196th Street SW. The centerline would cross existing 196th Street SW approximately 900 feet east of the centerline of existing 44th Avenue W. This street would not continue north of proposed 195th Street SW.

42nd Avenue W would run generally in a straight line generally aligned parallel to existing 44th Avenue W, from existing 200th Street SW to existing 194th Place SW. The centerline would cross existing 194th Street SW approximately 680 feet east of the centerline of existing 44th Avenue W.

42nd Avenue W Extension would continue southerly from Alderwood Mall Boulevard, curving southwesterly to reach 44th Avenue W in the alignment of proposed 201st Street SW. This route is more specifically described as follows. Beginning at the centerline of Alderwood Mall Boulevard, 42nd Avenue W Extension would proceed southward, following along an arc concave to the northwest of radius—approximately 250 feet through 50 degrees of arc for a distance of 218 feet, then continue southwesterly on a tangent line for 235 feet, then follow along an arc concave to the northwest of radius approximately 250 feet through 40 degrees of arc for a distance of 174 feet, then follow the alignment of proposed 201st Street westward for approximately 250 feet to intersect with existing 44th Avenue W. The centerline of proposed 201st Street SW at 44th Avenue W would be located approximately 417 feet south of the centerline of existing Alderwood Mall Boulevard.

43rd Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Boulevard to existing 194th Place SW. The centerline would cross existing 194th Street SW 260 feet east of the centerline of existing 44th Avenue W.

45th Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing 200th Street SW to existing 194th Street SW. The centerline
would cross existing 194th Street SW 384 feet west of the centerline of existing 44th Avenue W.

191st Street SW would run in a straight line generally aligned east-west, from existing 33rd Avenue W to existing 36th Avenue W. The centerline would cross existing 36th Avenue W 1021 feet south of the centerline of existing 188th Street SW.

194th Street SW Extension would follow a meandering line proceeding from a point of beginning located on the centerline of existing 194th Street SW approximately 140 feet west of the centerline of existing 40th Avenue W, then bearing generally easterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route would continue east-southeasterly approximately 78 feet, then east approximately 956 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W approximately 220 feet north of the point of beginning.

196th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to proposed 45th Avenue W. The centerline would cross existing 44th Avenue W 360 feet north of the centerline of existing 196th Street SW.

197th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline would cross existing 44th Avenue W 257 feet south of the centerline of existing 196th Street SW.

199th Street SW would be extended west of 44th Avenue W to proposed 45th Avenue W, a distance of approximately 384 feet.

199th Street SW would run in a straight line generally aligned parallel to existing 196th Street SW, from existing 40th Avenue W to existing 44th Avenue W. The centerline would cross existing 44th Avenue W 925 feet south of the centerline of existing 196th Street SW.

Section 2. Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows.

"Section 2. All development shall dedicate Right of Way for streets designated herein, and shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by the Public Works Director. The Public Works Director may make a determination to waive or modify the extent of the dedication to ensure that the extent of the dedication, if any, is roughly proportional to the project impacts. The Public Works Director shall also have the authority to waive the requirement for right of way dedication for the streets designated herein and/or approve modified alignments if the Public Works Director finds that such waiver or modification does not impact the functions for those streets including fire lane standards. For purposes of this ordinance, the term "development" shall include subdivisions, short subdivisions, planned unit developments, binding site plans and design review approvals.". Appeals of the Public Works Director’s decision shall be processed as a Process II application (LMC 1.35.200)."

Section 3. LMC Section 21.02.715 is hereby amended as follows,

21.02.715 Sign, roof.

"Roof sign" means a business sign erected upon or above a roof or, in cases where a parapet is present, above the parapet of a building. This definition does not apply to signs attached to
Section 4. LMC Section 21.60.075 is hereby amended as follows,

21.60.075 Relationship to rest of title.
The regulations in this chapter, together with the applicable regulations in the rest of LMC Title 21 and other titles of the Lynnwood Municipal Code, shall govern development and use of property in the city center zones. Where the regulations of this chapter conflict with or vary from regulations in other chapters or titles, the regulations in this chapter shall control.

A. Exceptions. The following chapters of this code shall not apply in the city center:
1. Chapter 21.06 LMC;
2. Chapter 21.12 LMC;
3. Chapter 21.14 LMC.

Section 5. LMC Section 21.60.100 is hereby amended as follows,

21.60.100 Definitions.
The following definitions shall only be applicable to the City Center zones.

"Canopy" means a cover over a sidewalk, providing protection from rain, that is constructed of permanent materials. The height shall range between eight feet and 12 feet, and it shall be a minimum of six feet in width.

A. "City center" means the land area designated on the official zoning map as a city center zones.

B. "Donation to Public Park Fund" shall mean a voluntary contribution from the developer to a dedicated City fund established specifically for the purpose of acquiring and development of public park land to serve new development and growth consistent with the City Center Sub-Area Plan. The voluntary donation shall be executed by an agreement acceptable to the City.

C. "Floor area ratio" means the amount of floor area within a building as a multiple of the lot area.

D. "New Development" means construction of a new building or the expansion of an existing building footprint (in which case that portion of the building being expanded shall constitute new development). Exterior reconstruction of existing buildings (involving wall and/or roof removal) within existing footprints, and construction of new facades, parapets, entrances, vestibules, and similar shall not constitute New Development.

E. "Occupiable Space" means spaces for uses such as retail, office, business, personal service shops, customer serving offices, restaurant, entertainment, and the like. Structured parking and self-service storage facilities (mini-storage and similar spaces designed to contain objects, not persons as the primary use are not considered occupiable space.

"Green roof" means a roof designed with principles of environmental sustainability, involving the use of vegetation and storm-water collection and cleaning. It may or may not be accessible.

F. "Parking, below grade" means any portion of a structure containing parking that is located below the average finished grade around a building.

G. "Parking, structured" means parking contained within a multi-story structure above grade, enclosed building, designed to appear like it is part of the larger building complex.

H. "Promenade Street" means the public pedestrian and vehicular way along 198th St. SW identified in the City Center Sub-Area Plan bounded on the east by 40th Ave. W. and 44th Ave. W. unless 198th Street SW is extended west of 44th Avenue in which case the west boundary shall be the westerly terminus of 198th Street SW within the City Center.

I. "Promenade Walkway" means the pedestrian connection conceptually illustrated in the City Center Sub-Area Plan that connects the Promenade Street to the Transit Center on the South and the Convention Center and towards Alderwood Mall on the North.
“Public art” means any form of painting, mural, mosaic, sculpture, or other work of art, so long as it can be appraised as a work of art and its value as such documented. It must be displayed on the exterior of a building, at or near the pedestrian entrance or on a public plaza.

J. "Public plaza" means an open space that is accessible to the public at all times, predominantly open to the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut and be within three feet in elevation of a sidewalk, and at least 10 percent of the area shall be planted with trees and other vegetation. There must be seating, lighting and penetration of sunlight.

K. "Story" means the portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above, measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

L. "Street level retail" means any pedestrian-oriented uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk, including any pedestrian-oriented uses, such as retail stores, groceries, shoe repair shops, dry cleaners, floral shops, beauty and barber shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature.

"Water feature" means a fountain, cascade, stream, fall, pond of water, or combination thereof, that serves as a focal point. It must be located outside of a building and be publicly visible and accessible. It must be active during daylight hours.

Section 6. LMC Section 21.60.200 is hereby amended as follows,

21.60.200 District Zones established and described.
A. City Center – Core (CC-C). This district zone is envisioned to have the highest intensity uses, especially office buildings, residences, and hotels contained within high-rise buildings. Shops and restaurants would be located along key streets, particularly the principal pedestrian corridor, referred to as the "Promenade" in the City Center Sub-Area Plan. A major public open space would anchor the district zone. Over time, parking would be increasingly located within parking structures. The convention center is planned located in the northeast corner of this district zone.
B. City Center – West (CC-W). This district zone is envisioned to have a mixture of higher density housing, retail and restaurants, and some office buildings contained within mid-rise buildings. A public open space would anchor the district zone. Over time, parking would be increasingly found within parking structures.
C. City Center – North (CC-N). This district zone is envisioned to have a mixture of mid-rise office buildings and retail. Over time, parking would be increasingly found within parking structures, with a relatively small amount of housing. Parking would largely be on the surface, but over time, some parking may be within structures.

Section 7. LMC Section 21.60.300 is hereby amended as follows,

21.60.300 Use limitations.
All uses shall be allowed in the city center district zones unless specifically prohibited below.

A. Prohibited in all city center district 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);
   5. Repair of vehicles, unless entirely within a building: Auto-oriented uses, including:
      a. Vehicle washing;
      b. Drive-throughs, including drive-up windows and drive up kiosks;
      c. Vehicle Repair;
      d. Battery Exchange Station (Electric Vehicles);
Section 8. LMC Section 21.60.400 is hereby amended as follows,

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 and that all New Development shall be built to at least the minimum building height. However, due to current economic conditions, in the first five (5) years from the date of adoption of this ordinance, this requirement is waived and if conditions are not improved beyond this five (5) year period, City Council may extend this waiver further.

a. New Development effective [INSERT EFFECTIVE DATE]: Three Stories at no less than 30 feet. This requirement shall not apply to uses predominately 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.
2. Maximum Building Height
   a. In the City Center – Core (CC-C) zone, the maximum building height shall be 350 feet,
      except as follows:
      i. From the centerline of 196th St. SW north up to but not exceeding a distance of 360 feet,
         the maximum building height of any portion of a building shall be 240 feet.
      ii. North of a line 360 feet north of the centerline of 196th St. SW, the maximum building
         height of any portion of a building shall be 130 feet.
      iii. Notwithstanding the above paragraphs, the maximum height of any portion of a
         building 150 feet or less from a residential zone shall be 35 feet.
   b. In the City Center – West (CC-W) and City Center – North (N) zones, the maximum building
      height shall be 140 feet, except as follows:
      i. The maximum height of any portion of a building 150 feet or less from a residential zone
         shall be 35 feet.

3. Mechanical penthouses, stair/elevator overruns, and antennas shall be excluded from building height
calculation, provided they are no more than 20 feet above the roof deck.

4. Building height may be increased by up to 20 percent for a non-habitable, architectural roofline
   element. This allowance does not apply within 150 feet from a residential zone or in the city center –
   core zone (CC-C) where the maximum height is less than 350 feet.

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 setback 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% of any building’s street frontage per street may be setback 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 setback from wider streets, buildings along Boulevard streets may be
      setback 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
         LMC 21.60.400 B (1) (b) and the City Center Design Guidelines.

2. Interior Side: None required.

3. Interior Rear: None required.

AC. 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 (AC)(2) of this section.
   See also subsection (DC) of this section.

Table 21.60.1: Floor Area Ratio (FAR)

<table>
<thead>
<tr>
<th>District</th>
<th>Basic Allowable “As of Right”</th>
<th>Basic Allowable with Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nonresidential</td>
<td>Residential</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
<th>CC-C</th>
<th>CC-W</th>
<th>CC-N</th>
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<tr>
<td>0.5</td>
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<td>8.0</td>
<td>10.0</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Table 21.60.1: Floor Area Ratio (FAR)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic-Allowable/Maximum FAR</strong></td>
</tr>
<tr>
<td><strong>Basic-Allowable “As of Right” for Existing Nonconforming Sites and Structures</strong></td>
</tr>
<tr>
<td>Nonresidential</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td><strong>Basic-Allowable FAR “As of Right” for New Development</strong></td>
</tr>
<tr>
<td>Nonresidential</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td><strong>Maximum with Bonuses</strong></td>
</tr>
<tr>
<td>Nonresidential</td>
</tr>
<tr>
<td>Residential</td>
</tr>
</tbody>
</table>

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) below grade;
   - Space dedicated to parking;
   - Mechanical spaces;
   - Floor Area devoted to Rainwater collection;
   - Floor Area devoted to Greywater collection/storage/distribution;
   - Floor Area devoted to Waste recovery/separation;
   - Floor Area devoted to Bicycle storage facilities;
   - Floor Area devoted to Service areas;
   - Elevator and stair shafts;
   - Lobbies and common spaces, including atriums;
   - Space used for any as a FAR bonus feature (see Table 21.60.2).

c. Privately owned Land area for the Promenade Walkway with the required public access easement shall be included in determining the basic allowable FAR.

d. b.-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 combined FAR total.

e. e.-Hotels shall be considered nonresidential for the purpose of this chart.

f. In situations where both conforming and non-conforming development are located on a site, the maximum FAR for conforming and non-conforming development may be combined, but each shall be limited to their respective maximum FAR per Table 21.60.1. (For example, conforming development FAR maximum is 2.0; non-conforming FAR maximum is 0.5. Conforming development on the site may have a maximum FAR of 2.0; non-conforming a 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>
<thead>
<tr>
<th><strong>Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Feature</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Bonus Features</th>
<th>Feature Requirements</th>
<th>Additional Floor Area for Each Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEED Silver or Similar Certification Elements</td>
<td>Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.</td>
<td>10 percent increase in total floor area for meeting LEED Silver Certification standards (or similar) or above</td>
</tr>
<tr>
<td>LEED Gold or Similar Certification Elements</td>
<td>Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.</td>
<td>25 percent increase in total floor area for meeting LEED Gold Certification standards (or similar) or above</td>
</tr>
<tr>
<td>LEED Platinum or Similar Certification Elements</td>
<td>Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.</td>
<td>40 percent increase in total floor area for meeting LEED Platinum Certification standards (or similar) or above</td>
</tr>
<tr>
<td>Office Use Above the Ground Floor</td>
<td></td>
<td>2 sq. ft. of floor area for each sq. ft. of office use above the ground floor</td>
</tr>
<tr>
<td>Parking, underground</td>
<td></td>
<td>2 sq. ft. of floor area for each sq. ft. of parking below grade</td>
</tr>
<tr>
<td>Parking, structured</td>
<td></td>
<td>1 sq. ft. of floor area for each sq. ft. of structured parking above grade</td>
</tr>
<tr>
<td>Public Plaza</td>
<td>Provision of public plaza in excess of the requirement identified in the City Center Design Guidelines.</td>
<td>5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the City Center Design Guidelines.</td>
</tr>
<tr>
<td>Promenade Walkway (along public right of way)</td>
<td>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.</td>
<td>5 sq. ft. of floor area for each sq. ft. of Promenade</td>
</tr>
<tr>
<td>Bonus Features</td>
<td>Feature Requirements</td>
<td>Additional Floor Area for Each Feature</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Promenade Walkway (bisecting large blocks)</td>
<td>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 sf 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.</td>
<td>20 sq. ft of floor area for each sq. ft of Promenade</td>
</tr>
<tr>
<td>Residential Use (single purpose building)</td>
<td>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</td>
<td>2 sq. ft of floor area for each sq. ft of residential use</td>
</tr>
<tr>
<td>Residential Use in Vertically Mixed-Use Building</td>
<td>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</td>
<td>4 sq. ft of floor area for each sq. ft of residential use if the development is vertical mixed-use.</td>
</tr>
<tr>
<td>Street Level Retail</td>
<td>See definition (LMC Section 21.60.100.L)</td>
<td>200 sq. ft of floor area for each linear foot of retail frontage</td>
</tr>
<tr>
<td>Donation to Public Park Fund</td>
<td>See definition (LMC Section 21.60.100.B)</td>
<td>20 sq. ft per $100 contributed to Public Park Fund</td>
</tr>
</tbody>
</table>

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 LMC 21.60.400 (3)(b) below.

b. If a business, or 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 Director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter. Appeals of the Community Development Director’s decision shall be processed as a Process II application (LMC 1.35.200).

B. Building Height. The height of buildings in the city center shall be limited as shown in Map CC-1 at the end of this chapter.

C-D. 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>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail, Personal services and Offices serving customers on site</td>
<td>3 stalls/1,000 Gross Floor Area (gfa) nsf²</td>
<td>4 stalls/1,000 gfa nsf²</td>
</tr>
<tr>
<td>Offices, not serving customers on site</td>
<td>2 stalls/1,000 gfa nsf²</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>0.5 stalls per unit</td>
<td>3 stalls per unit</td>
</tr>
<tr>
<td>Senior housing</td>
<td>0.25 stalls per unit</td>
<td>1 stall per unit</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 stall per 4 seats</td>
<td>2 stalls per 4 seats</td>
</tr>
<tr>
<td>Hotels, Motels or Other Overnight Accommodations</td>
<td>1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</td>
<td>1.5 stalls per room plus, additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</td>
</tr>
<tr>
<td>Institutional uses</td>
<td>20 percent less than required in LMC Table 21.18.03</td>
<td>Same as Required in LMC Table 21.18.03</td>
</tr>
<tr>
<td>Places of Assembly</td>
<td>20 percent less than required in LMC Table 21.18.06</td>
<td>Same as Required in LMC Table 21.18.06</td>
</tr>
<tr>
<td>Entertainment/Recreational Activities</td>
<td>20 percent less than required in LMC Table 21.18.07</td>
<td>Same as Required in LMC Table 21.18.07</td>
</tr>
<tr>
<td>Other uses</td>
<td>20 percent less than required in LMC Table 21.18.11</td>
<td>Same as Required in LMC Table 21.18.11</td>
</tr>
</tbody>
</table>

*nsf = net-square-feet

**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 Community Development 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 Community Development Director’s decision shall be processed as a Process II application (LMC 1.35.200)

**E. Bicycle Facilities.**

1. All non-residential 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.

F. 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. External service areas shall be located within the dedicated parking areas.

3. All external 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). Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or without slats).

G. 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.

Section 9. A new section LMC 21.60.475 entitled “Signs” is hereby adopted as follows,

21.60.475 Signs.

Signs in the City Center zones shall comply with LMC 21.16.310 and other applicable sections of that chapter. Notwithstanding the regulations in LMC 21.16, the following sign regulations apply in the City Center zones:

A. Prohibited signs. The following signs are prohibited in the City Center zones:

1. Pole Signs
2. Electronic Changing Message Signs and Changeable Letter Signs, except for entertainment, public transportation uses, places of assembly, and institutional uses with an occupancy load of 200 persons or greater.
3. Roof Signs
4. Cabinet Signs for New Development

B. Monument Signs: Maximum height shall be eight (8) feet.

C. Neon signs are permitted, however outlining buildings or portions of buildings in neon is prohibited.

D. Window signs (signs located on the inside of a window so as to be easily and readily viewed from outside the window) may occupy up to 20 percent of the area of the window.

E. Non-conforming signs shall be governed by LMC 21.16.250, except that the structure, frame or support of an existing non-conforming pole sign, or monument sign may be modified provided:

1. Such modifications result in a sign that is more conforming; and
2. Such new or modified sign is located in the same location as the existing sign.

Section 10. LMC Section 21.60.500 is hereby amended as follows,

21.60.500 Street Types.

Notwithstanding LMC Title 19 and other adopted street standards, development and redevelopment of streets in the city center shall comply with Table 21.60.4 entitled Street Standards, the following paragraphs:

A. Boulevards. These are the principal arterial streets serving the city center and connecting it to other parts of the community. They are connected to the regional highway system. While they can be visually pleasing and allow for safe and convenient pedestrian movement, their primary purpose is to move vehicular traffic. Developments along boulevards exhibit an emphasis on planting more so than retail storefronts:

<table>
<thead>
<tr>
<th>Boulevards: Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street: 5 – 7 travel lanes with left turn restrictions, except at intersections</td>
</tr>
</tbody>
</table>
B. Pedestrian Streets: These streets accommodate both vehicles and pedestrians, but provide greater accommodations for people. Vehicles move at a relatively slow speed. Sidewalks are very wide, on-street parking is present, and vegetation is emphasized. Pedestrian-oriented street furnishings are also present.

<table>
<thead>
<tr>
<th>Pedestrian Streets: Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street:</strong> 2 - 3 travel lanes, with left turn restrictions, except at intersections</td>
</tr>
<tr>
<td><strong>Sidewalks:</strong> 14 - 16 feet wide, including a 5-foot wide planting zone along-curb</td>
</tr>
<tr>
<td><strong>Street trees:</strong> 25 feet on center, minimum of 3-inch cal.</td>
</tr>
<tr>
<td><strong>Building line:</strong> Locate buildings at back of sidewalk, except for public spaces</td>
</tr>
<tr>
<td><strong>Curb cut limitations:</strong> 200-foot minimum separation or from intersection</td>
</tr>
<tr>
<td><strong>Street furnishings:</strong> Pedestrian-scaled lighting, seating, waste cans, art</td>
</tr>
</tbody>
</table>

C. Other Streets: These streets serve to break up the super-blocks into smaller increments and to provide for vehicular access to development. They are visually pleasing and speeds and volumes are relatively low.

<table>
<thead>
<tr>
<th>Other Streets: Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street:</strong> 2 - 3 travel lanes, on-street parking is present</td>
</tr>
<tr>
<td><strong>Sidewalks:</strong> 12 feet wide, including a 5-foot wide planting zone along the curb</td>
</tr>
<tr>
<td><strong>Street trees:</strong> 25 - 30 feet on center, minimum of 2-inch cal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 21.60.4: Street Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design Standards</strong></td>
</tr>
<tr>
<td>Streets</td>
</tr>
<tr>
<td>Right of Way Width</td>
</tr>
<tr>
<td>Parking Lane</td>
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<tr>
<td>Sidewalks</td>
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<tr>
<td>Design Standards</td>
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<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Curb and Gutter</td>
</tr>
<tr>
<td>Travel Lanes and Turning Lanes (maximum #)</td>
</tr>
<tr>
<td>Travel Lane Width</td>
</tr>
<tr>
<td>Bicycle Travel Lane</td>
</tr>
<tr>
<td>Intersection Curb</td>
</tr>
<tr>
<td>Raised Landscape Median (width)</td>
</tr>
</tbody>
</table>

Notes:
A. Refer to City Center Design Guidelines for access requirements.
B. The Public Works Director may, with the concurrence of the Fire Marshal, modify the street standards in Table 21.60.4 above if the modification does not impact the function for those streets.

Appeals of the Public Works Director’s decision shall be processed as a Process II application (LMC 1.35.200)

Section 11. LMC Section 21.60.600 is hereby amended as follows,

21.60.600 Design review.
A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted in the city center districts shall comply with 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 districts, 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)(2), an application for approval of structures and facilities under this section shall:

1. Demonstrate consistency and compatibility with the following locations and design of public streets and parks/plazas:

   a. Planned location and design of streets, as shown in the street protection ordinance, as amended.

   b. Planned location of public parks/plazas, as follows:

      i. Town Square (Core District. The rectangular parcel formed by the existing right of way of 198th St. S.W. and the future right of way of 42nd Ave. W., 198th St. S.W., and 43rd Ave. W., as those streets are described in Ordinance No. 2627, also known as the street protection ordinance.

      ii. West End Square. Starting at the intersection of the eastern right of way line of 44th Ave. W. and the southern right of way line of 198th St. S.W., then west a distance of 480 feet to the eastern boundary of the square (true starting point), then south a distance of 200 feet to the southeast corner of the square, then west a distance of 210 feet (southwest corner), then north a distance of 460 feet (northwest corner), then east a distance of 210 feet (northeast corner), then south to the true starting point.

      iii. North End Park/Plaza. Starting at the southwest corner of Snohomish County Tax Lot Parcel No. 00-3726-002-008-05, then generally east along the south boundary of this parcel a distance of 320 feet, then generally north and perpendicular to the south property line a distance of 235 feet to the north boundary of this parcel, then west along the north boundary of this parcel to the northwest corner of this parcel (300 feet), then generally south along the west boundary of this parcel to the starting point.

      iv. West End North Park/Plaza. The rectangular parcel formed by the existing right of way of 194th St. S.W. and 44th Ave. W. and the future right of way of 195th St. S.W. and 45th Ave. W., as those streets are described in Ordinance No. 2627, also known as the street protection ordinance.

   Where any locations and designs in subsections (D)(1)(a) and (b) of this section conflict with the City Center subarea Plan, such locations and designs shall supersede the conflicting provisions of the City Center subarea Plan.

   a) 2. Locate "Retail frontage land uses" along the portion of the Promenade, as depicted and described in the city center subarea plan, that is south of 195th St. S.W. and also around public parks/plazas that abut the Promenade. "Retail frontage land uses" in this case includes any pedestrian oriented use, such as retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty and barber shops, department stores, apparel shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other businesses that are intended to be pedestrian attracting or pedestrian generating in nature (as determined by the community development director).

Section 12. LMC Section 21.60.700 is hereby amended as follows,

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. A relatively small number of land uses have been identified that are determined to not comport with the long term vision for the city center. Therefore, they are not
permitted. Any such 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 re-striping of stalls, and new or altered
signage or lighting or renovation of landscaping. Any other site improvements, exterior
renovation or expansion of building footprints, however, 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 non-
conformance.

2. All expansion of building footprints or increases in building height shall incorporate standards
that bring the site and building more into compliance with the requirements of this Chapter
and the City Center Design Guidelines regardless of whether or not the expansion triggers
is subject to the design review process requirement per LMC 21.60.600. Expansion or major
renovation of such structures shall trigger compliance with both site design and building
design standards.

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 should be given to the provision of pedestrian amenities oriented
towards the streets. 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. 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 principle 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. 2554 § 10, 2005)

Section 13. LMC Section 21.60.800 is hereby amended as follows,

21.60.800 Maximum amount of development in city center.
In no case shall the total amount of development (including all land uses) in the city center exceed 9.1
million square feet. (Ord. 2554 § 11, 2005)

Map CC-1

G:\2011\CAM\0006 City Center Permanent\Draft Code Revisions\Sep 8, 2011 DRAFTCCCODEREVISION.doc
Notes to Map CC-1:
1. Mechanical penthouses, stair/elevator overruns, and antennas may be excluded from building height calculation, provided they are no more than 20 feet above the roof deck.
2. Building height may be increased by up to 20 percent if the top is designed as a nonhabitable, architectural element. This allowance does not apply in the city center—core district (CC-C) where the maximum height is less than 350 feet.
3. The maximum height of any portion of a building lying within 150 feet of a residential district shall be 35 feet.

(Ord. 2554 § 6, 2005)

Section 14. The Lynnwood City Center Design Guidelines is hereby amended as provided for in Exhibit “A”, attached to this ordinance and incorporated herein by reference.
Section 15. 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 16. 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 ______ day of ____________, 2011.

APPROVED:

______________________________
Don Gough, Mayor

ATTEST/AUTHENTICATED:

______________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

______________________________
Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: ________________

PASSED BY THE CITY COUNCIL: ________________

PUBLISHED: ________________

EFFECTIVE DATE: ________________

ORDINANCE NUMBER: ________________
On the ______ day of ______, 2011, 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,


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

DATED this ______ day of ______, 2011.

LORENZO HINES, FINANCE DIRECTOR
EXHIBIT A

Amendments to Lynnwood City Center Design Guidelines
CITY CENTER

Design Guidelines

City of Lynnwood, WA          DRAFT          September 8, 2011
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INTRODUCTION

The provisions of this document shall apply to all development and redevelopment within the Lynnwood City Center. The degree to which each standard applies to a development or redevelopment project shall be evaluated on a case by case basis in an effort to achieve an overall design that meets the purpose and intent of the City Center Design Guidelines. These guidelines are intended to carry out the Comprehensive Plan for the City of Lynnwood with respect to the Planning and Urban Design Principles of the City Center Sub-Area Plan, including:

- Humanize the streets. Establish streetscapes in order to provide a strong visual character and to encourage pedestrian activity;
- Create an array of public spaces;
- Present a distinctive skyline for the City Center as a highly visible symbol of commerce and vitality; and
- Encourage new intense high density development to display quality and character through materials and architectural expression.

Each standard includes examples and illustrations of ways in which the intent of the standard can be achieved. The graphic images are meant to be examples, and are not the only acceptable means towards accomplishing the intent of the standards. Applicants and project designers are encouraged to consider designs, styles, and techniques not pictured in the examples that fulfill the intent of the design standard.

The Community Development Director may approve design departures from the guidelines, pursuant to LMC Section 21.25.150, upon written request by the applicant and a finding that the proposal provides equivalent or superior results to the original guideline.

Some of the guidelines contained in this document use the word "shall" while others use the word "should".

Regardless of which term is used, each guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to every one of the guidelines.

The "shall" statements, with such wording, are absolutely mandatory and offer relatively little flexibility unless choices are provided within the statement itself. All projects must include these elements as described.

However, guidelines that use the word "should" are meant to be applied with some flexibility. They indicate that the City is open to design features that are equal to, or better than, that stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets this test and determination will be made by the Community Development Director.
CITY CENTER
SITE DESIGN
STANDARDS
Curb Cuts & Access Control

INTENT
To ensure that curb cuts do not detract from the continuity and safety of sidewalks, particularly along Pedestrian Streets.

GUIDELINES

Access control within the city center shall comply with the City of Lynnwood Access Control Policy except as amended as follows:

1. Curb cuts shall be no wider than 36 30 feet at the property line.

2. Curb cuts shall be no closer together than 200 feet at the property line, unless the dimension of a property’s frontage precludes such spacing.

3. Curb cuts shall not be located along the Promenade Pedestrian Streets, unless no other access to a property is available.

4. Curb cuts along Boulevards shall be located a minimum of 150 feet from signalized intersections, 100 feet from unsignalized intersections. For all other city center streets, curb cuts shall be located a minimum of 75 feet from an intersection. Left turn restrictions shall be imposed at curb cuts that do not meet these criteria.

5. Curb cuts shall be located within Driveway Access Zones (see Figure 1) and shall be consolidated and shared through access agreements, where possible.

6. Curb cuts are not required to be setback from internal property lines.
**Surface Parking Lot Location**

**INTENT**
To ensure that *surface* parking lots are not the dominant *visual* element within the City Center and to create a pedestrian-friendly environment.

**GUIDELINES**
1. Along designated Pedestrian the Promenade Streets (198th Street SW), *surface* parking shall not be located between a building and the street. *be located to the rear of a building. No surface parking shall be adjacent to the street.*

2. *Along designated Boulevards* Along any public street other than the Promenade Street *surface* parking should *shall be located* either to the side rear of a building or to the rear. *but may be located to the side of a building if the building abuts a street and the parking is not located at any intersection.* Parking lots shall not be located at intersections or within 150 feet of any intersection.
Interior Parking Lot & Site Landscaping

INTENT
To diminish the visual effect of large areas of surface parking and to contribute to the amount of vegetation in the City Center.

GUIDELINES
1. *Surface Parking* lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including:
   - Parking lot entrances
   - Ends of driving aisles
   - Defining pedestrian connection/walkways through parking lots.

2. Landscape areas next to a pedestrian connection/walkway shall be maintained and or plant material chosen to maintain a clear zone, *except for tree trunks* between 3 and 8 feet from ground level.

3. A setback shall be provided that allows space for all trees and shrubs where vehicle overhang extends into landscape areas.

4. The number of trees required in the interior landscape area in parking lots shall be dependant upon the location of the parking lot in relation to the building and public right-of-way:
   - Where the parking lot is located between the building and the public right-of-way, one tree for every four spaces shall be provided (1:4).
   - Where the parking lot is located to the side of the building and/or partially abuts is visible from the public right-of-way, one tree for every six spaces shall be provided (1:6).
   - Where the parking lot is located behind the building and is not visible from the public right-of-way, one tree for every eight spaces shall be provided (1:8).

5. Drought tolerant plants and/or plants native to the Pacific Northwest should be used. Temporary irrigation for plant establishment shall be provided.

6. All landscaped areas should be designed to minimize stormwater run-off by utilizing bioswales, rain gardens, filtration strips and other facilities where appropriate.

7. Pedestrian connection/walkways meeting provisions of that guideline may traverse required landscape areas.

8. A landscape maintenance plan, identifying maintenance tasks and schedules, shall be submitted to the City for review.
Parking Lot Screening

INTENT
To soften the impact of surface parking on the streetscape.

GUIDELINES
1. Parking lots that abut the public right-of-way and/or adjacent developments shall be screened with one or a combination of the following treatments:
   - Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of 3 feet.
   - Raised planter walls planted with a minimum of 50% evergreen plant materials not to exceed a total height of 3 feet, including the plant material planted on top.
   - Landscape planting consisting of 50% evergreen trees, evergreen plants and shrubs, and evergreen groundcovers.

2. A minimum 5 foot wide landscape planting area shall be provided between parking lots and adjacent developments to include a year-round sight barrier except where parking lots have been consolidated.

3. Walls and raised planters shall not exceed a maximum height of 3 feet, unless all of the following are provided:
   - Screen treatment does not create a safety hazard.
   - Portion of treatment that is above 3 feet in height is a minimum of 75% transparent (i.e. see-through metal railing or other similar treatment).

4. Chain link fencing shall not be permitted to screen or enclose parking along a public sidewalk. In addition, the use of chain link fencing, wood fencing, razor ribbon, or barbed wire, or similar shall be prohibited.
Sidewalks and Street Trees

**Streetscape**

**INTENT**
To produce a streetscape that is safe, convenient, comfortable and appealing for people on foot and to help frame the streets with vegetation.

**GUIDELINES**
1. Sidewalks and street trees shall be provided in accordance with the descriptions associated with each street type:

   **Boulevard (public):**
   - Sidewalks: 12 feet wide, including a 6 foot wide planting zone along curb
   - Street trees: Per City Center streetscape program, 30-35 feet on center, minimum of 2" caliper at time of planting

   **Pedestrian Promenade Street (public, 198th St SW):**
   - Sidewalks: 16 feet wide, including a 5 foot wide planting zone along curb
   - Street trees: Per City Center streetscape program, 25 feet on center, minimum of 3" caliper at time of planting

   **Other Collector Arterial and Grid Street (public):**
   - Sidewalks: 12 feet wide, including a 5 foot wide planting zone along curb
   - Street trees: Per City Center streetscape program, 25-30 feet on center, minimum of 2" caliper at time of planting

Street trees shall be selected from an approved list found in Appendix A: City Center Streetscape Program.

2. Sidewalks shall be cast in place concrete with broom finish and scoring every 4 feet and shining around dummy joints and regular joints or as required per the City Center Streetscape Program. Alternative sidewalk design concepts may be approved by the City Engineer.

3. Tree planting pits shall be covered by ADA compliant decorative cast iron tree grate per City Center streetscape program. An electrical outlet shall be provided for street tree lighting, one of the following:
   - Living plant material, surrounded by a low, protective and decorative metal fence.
   - Cast iron tree grates, of a type that meets ADA requirements.
4. Pedestrian scale decorative street lighting, no taller than 15 feet shall be provided at regular intervals. The lighting support shall have banner arms or basket hooks. Lighting design should comply with the Illuminating Engineering Society of North America’s Recommended Practices and Design Guidelines, latest editions.

5. Cabinets and structures for traffic signals, utility connections and the like where needed in the public Right of Way shall be located within the tree well zone between the curb and sidewalk and not obstructing the walking path.

7. Transit shelters should not be considered as merely utilitarian structures but should convey a strong design identity and incorporate features such as artwork.

8. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.

9. See Appendix A for additional Streetscape requirements.
Site Lighting

INTENT
To ensure that lighting contributes to the character of the site, provides pedestrian scale interest and security throughout the site and does not disturb adjacent developments and residences and the night sky.

GUIDELINES

1. Lighting shall be provided throughout the site to provide a safe and comfortable atmosphere.

2. All lighting should be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.

3. Accent lighting is encouraged but should be combined with functional lighting to highlight special focal points such as building/site entrances, public art and special landscape features.

4. Lighting should contribute to and integrate with the overall character of the site architecture or other site features.

5. Lighting in parking lots shall not exceed a maximum of 30 feet in height. Pedestrian scale lighting a maximum of 15 feet in height shall be provided throughout all Pedestrian Connections/Walkways.

6. Lighting design should comply with the Illuminating Engineering Society of North America’s Recommended Practices and Design Guidelines, latest editions, for each applicable lighting type (i.e. Parking Lot, Walkways, etc.).
Pedestrian Connections / Walkways

INTENT
To ensure that the City Center is conducive to pedestrian circulation.

GUIDELINES

1. **Walkways Connecting Building Entrances to Nearest Public Sidewalk.** All major building entrances shall be connected with the nearest public sidewalk by a walkway that is at least 8' minimum of 10 feet wide and is separated from any adjacent parking stalls by a planting bed a minimum of 3 feet wide. (Buildings set to the back of the sidewalk automatically meet this standard.)

2. **Walkways Through Surface Parking Lots.** A walkway shall be provided through any surface parking lot with more than 30 stalls. Such walkways shall be a minimum of 10 feet wide and separated from any adjacent parking stalls by a planting bed at least 3 feet wide.

3. **Walkways should be provided that allow pedestrians to walk safely between adjacent properties.**

4. **Walkways Connecting Parcels.** Walkways a minimum of 10 feet wide shall be provided that allow pedestrians to connect to all adjacent properties. These walkways shall connect to public sidewalks within the boundaries of the Driveway Access Zones (Figure 1).

4. **Promenade Walkway.** Providing the Promenade Walkway is optional. The following standards are required to receive the floor area bonus per LMC Table 21.60.2.

   The Promenade Walkway shall extend east and north from the 198th Street SW Promenade Street (public) at 40th Avenue W, to connect to 194th Street SW as conceptually depicted by Figure 1. The Promenade Walkway shall be a minimum of 16 feet average width.

   Properties located between the Promenade Access Zones shall demonstrate the provision of the Promenade Walkway through the site, connecting to and from other parcels to create a linear or meandering path as conceptually depicted in Figure 1 and will be determined through the project design review process. The objective of the Promenade Walkway in the City Center-Core is to provide pedestrian connectivity centrally through large blocks as conceptually depicted in the City Center Sub-Area Plan. For areas where the Promenade Walkway is provided, but follows the public Right of Way or upgrades right of way with design elements and additional furnishings stipulated below, a different FAR Bonus amount shall be provided.
5. In the absence of a walkway on an abutting property, the walkway constructed shall stub out to the property line which shall set the walkway connection location for the adjacent parcel.

6. Uniform type of pedestrian scale lighting shall be provided along the length of the walkway on an individual parcel.

7. Walkways that are not raised sidewalks shall use special decorative paving such as decorative concrete, or pavers (not exposed aggregate) to distinguish them from vehicular drive aisles.

8. At least three types of pedestrian amenities shall be provided in every 100 lineal feet of walkway, such as: seating, trash receptacles, potted plants or landscape features, artwork, and water features. Other amenities may be proposed that meet the intent of this guideline.

9. The applicant shall submit a plan for the walkway to include a description of all landscaping; lighting; street furniture; paving color and materials; relationship to building frontage; specific location of the walkway on the site and connection to other parcels, and the relationship to and coordination with any plaza.

10. The entire walkway should be open and available to the public 24 hours a day.

11. The property owners of Walkways Connecting Parcels shall execute a legally binding access agreement providing that the walkway is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city and shall be recorded with Snohomish County. The obligations under the agreement shall run with the land.

12. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.

13. Walkway types may be combined, in total or in part. If they are combined, the portions that are combined will be held to the more restrictive standard.

14. Walkways shall be provided for the area of the site being developed. If the Walkways will be completed in phases accompanying future phases of development, a conceptual phasing plan for all Pedestrian Connections/Walkways shall be provided.
Vehicular Connections

INTENT

To allow private vehicular connections through blocks between public streets in coordination with pedestrian connections/walkways, with pedestrian safety and experience as the priority.

GUIDELINES

1. Vehicular connections shall meet all of the standards of Pedestrian Connections/Walkways.

2. Vehicular connections shall be a maximum of two lanes, with a maximum 10 feet wide lane width or as needed per the building and/or fire code.

3. No parking other than parallel or angled parking shall be allowed on vehicular connections. Parallel parking may be located on one or both sides of the vehicular connection and shall be 8 feet in width per side. Angled parking may be on only one side of the vehicular connection.

4. Pedestrians shall be protected from vehicles by sidewalk or by use of design elements such as decorative protective bollards or large potted plants. Use of traffic calming features should also be incorporated, including but not limited to curb-extensions, speed tables, textured pavement, decorative pavers, and mini-roundabouts. Raised or flat cement concrete curb or curb and gutter are required on both sides of vehicular connections. Decorative storm drain covers should be provided. In areas with flat curb, appropriate storm drainage features are required.
Bicycle Facilities

INTENT

To provide bicycle stalls, storage and facilities and support reducing demand for parking.

GUIDELINES

1. All bicycle stalls shall be located in secure locations that do not impede pedestrian or vehicular flow and shall be well lit for nighttime use.

2. Design of the outdoor bicycle stalls shall compliment other pedestrian features and design of the building(s).
Open Space/Public Plazas

INTENT
To provide a variety of public spaces in association with individual buildings, so that, over time, there is are numerous choices for gathering, meeting friends and associates, and enjoying good weather.

GUIDELINES
1. Every new building shall provide Open Space/Public Plazas in an amount at least equal to 1% of the sum of the square feet of building area and the square feet of site area. This requirement may be combined with the Promenade Walkway and/or Community Gateways and Prominent Intersection guidelines to meet both requirements.

2. Such space shall be located where it is visible and accessible from either a public sidewalk or a pedestrian connection. Open Space/Public Plazas shall abut and be no greater than three feet in elevation from the adjoining sidewalk and allow penetration of sunlight. Open Space/Public Plazas may include or consist of active recreation areas.

3. Such space Open Space/Public Plazas shall include at least four types of the following features coordinated with amenities provided in walkways on the same site:
   - Benches. Ledges are also acceptable, as long as they are 15" to 18" in height.
   - Planting, including specimen trees, shrubs and seasonal plantings. Plantings may be potted.
   - Pedestrian scaled lighting
   - Artwork—Public Art
   - Water feature(s):
     - Where open space abuts storefronts, accommodate accessory outdoor dining/seating
   - Trellis and/or shelter:
   - Decorative paving.
   - Other methods may be proposed that meet the intent of this guideline. Another feature not listed above

4. Between 625% and 8075% of the area of the space should shall be hardsurfaced.

5. The space and any art or water within it qualify as bonus feature(s). All features provided shall be durable materials designed for outdoor public use.

6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.
Community Gateways and Prominent Intersections

INTENT
To mark key intersections within and around the edges of the City Center.

GUIDELINES
1. At designated Gateways and Prominent Intersections, there shall be a Special features shall be provided at the corner of a site abutting or adjacent to next to the Gateways or Prominent Intersections (see Citywide Zoning Map for locations), street(s) and composed of at least two Three or more of the following elements shall be included:
   - Seasonal plantings
   - Flowering Specimen tree(s)
   - Public Artwork
   - Monument
   - Open space plaza Public Space
   - Special landscape treatment
   - Water Feature
   - Unique pedestrian-scale lighting
   - Decorative paving
   - Other methods may be proposed that meet the intent of this guideline

2. A-Gateway or Prominent Intersection Features may also be combined with a the Open Space/Public Space Plazas to meet both requirements.

3. Corners of buildings may be setback from the property line to provide public plazas per Open Space / Public Plaza guidelines.

4. Features used shall be oriented towards both pedestrians and vehicles along the street right-of-way.

5. Features used shall not block vehicular sight distance requirements.

6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.
CITY CENTER
BUILDING DESIGN STANDARDS
Building / Sidewalk Relationship

INTENT
To ensure that buildings within the City Center contain frame and enliven the streets and sidewalks.

GUIDELINES
1. Within the City Center, it is expected that buildings shall be oriented to the adjacent street rather than merely to a parking lot or structure. In general, buildings should be set relatively close to the back of the sidewalk (be located at the future Right of Way line per the LMC Table 21.60.4 Street Standards), if not directly abutting it. The façade nearest the sidewalk shall incorporate windows, entrances, canopies and other features (see other guidelines which address these elements).

2. Buildings may be set back from the sidewalk for the purpose of providing articulation of a building façade, and/or usable public space, forecourts that are primarily hardscaped, or in order to provide vegetative screening of parking structures.

3. Along Pedestrian Streets, it is expected that there will be relatively continuous facades lining the back of the sidewalk.

4. Setting full floor building facades close-up to the street may be accomplished through base structures building area that extends out to the sidewalk, not necessarily the full height of the building.

4. Design of buildings shall avoid requiring a fire lane between the building and the street.
Street-Facing Entrances

INTENT
To reinforce pedestrian activity and orientation and enhance liveliness of streets through building design.

GUIDELINES
1. Entrances to buildings shall be visible from the street and oriented toward the sidewalk so that pedestrian access by foot is clear and convenient.

2. Entrances shall be given a visually distinct architectural expression by two or more of the following elements:
   - Prominent door and windows
   - Taller Bay(s)
   - Projecting Canopy
   - Slightly Recessed Facade
   - Set Behind a Forecourt
   - Portico with Distinctive Roof Form
Street Level Uses and Transparency

INTENT
To ensure that sidewalks are lined with activities and uses and visibility for those that attract pedestrians.

GUIDELINES
1. The ground level facades of buildings that are oriented to particular streets and the Promenade Connection/Walkway shall have Pedestrian Oriented Uses and transparent windows between an average of 2 feet and 10 feet above grade, starting no higher than 3 feet from grade, according to the following:

   - Along Pedestrian Streets, the Promenade Street and Promenade Connection/Walkway a minimum of 60% in P-O Uses and transparency
   - Along Boulevards, Collector Arterials, and the Grid Street: a minimum of 40% in P-O Uses and transparency
   - Along Vehicular & Pedestrian Connections Other Streets: a minimum of 20% in P-O Uses and transparency

2. To qualify as transparent, windows shall not be mirrored glass or darkly tinted glass.

3. Where Pedestrian Oriented Uses and transparency are not provided required, the façade shall comply with the guideline entitled “Treating Blank Walls.”
Weather Protection

INTENT
To provide pedestrians with cover from rainfall with durable and aesthetically pleasing canopies thereby making the experience of walking during inclement weather more pleasant.

GUIDELINES
1. Along Pedestrian Streets, Buildings that abut sidewalks and walkways shall provide canopies with a minimum width of 5 feet over the sidewalk or walkway to provide weather protection shall be provided along at least 75% of the frontage. Canopies shall be a minimum of 8 feet above and maximum of 14 feet above the sidewalk or walkway.

2. Canopies may be constructed of any permanent, durable material, but glass and/or steel, are strongly suggested. Wood, fabric, and plastic awnings may not be used to meet this guideline.

3. Overhead, pedestrian-oriented signs may be hung from canopies.

4. Café table umbrellas are permitted where outdoor dining tables are permitted, but shall not replace provisions of this section.
Ground Level Details

INTENT
To emphasize the importance of the sidewalk level as a place of activity and visual interest.

GUIDELINES
1. Ground-floor, street-facing façades of commercial and mixed-use buildings along Pedestrian the Promenade Streets (198th Street SW) and Promenade Connection shall incorporate at least six (6) types of the following elements, while buildings along Boulevards, Collector Arterials, and Grid Street, and Other Streets shall include at least four (4) types of the following elements:
   - a) lighting or hanging baskets supported by ornamental brackets.
   - b) medallions.
   - c) belt courses.
   - d) plinths for columns.
   - e) shallow recesses.
   - f) awnings.
   - g) cornice.
   - h) pilasters.
   - i) kickplates for storefront window.
   - j) projecting sills.
   - k) tilework.
   - l) awnings.
   - m) pilasters.
   - n) pedestrian scale sign(s) painted on windows.
   - o) planter box.
   - p) Other methods may be proposed that meet the intent of this guideline

- an architectural element not listed above, as approved, that meets the intent.
Treating Blank Walls

INTENT
To ensure that situations in which glass windows are not practical, there are still features that add visual interest and variety to the streetscape.

GUIDELINES
1. Where windows are not provided on walls (or portions of walls) longer than 30 feet which face streets or are visible from right-of-way, the street at least four of the following types of elements shall be incorporated:
   - a) decorative masonry (but not flat plain concrete block);
   - b) concrete or masonry plinth at base of wall;
   - c) belt courses of a different texture, material and/or color;
   - d) projecting cornice;
   - e) projecting metal canopy;
   - f) decorative tilework;
   - g) trellis containing planting;
   - h) medallions;
   - i) opaque or translucent glass windows;
   - j) artwork;
   - k) vertical articulation;
   - l) lighting fixtures;
   - m) architectural recesses.
   - Other methods may be proposed that meet the intent of this guideline
   - n) an architectural element not listed above, as approved, that meets the intent of these guidelines.

2. On pedestrian streets like Promenade Street (198th Street SW) and the Pedestrian Walkway where windows are not provided, no more than 10 feet unembellished surface shall be allowed.
Upper-Level-Setbacks

INTENT
To reduce the bulk of taller buildings, to reinforce pedestrian scale on street frontages, and to allow for a reasonable visibility of the sky from street level.

GUIDELINES
1. Street-facing facades of buildings should step back. The amount of step-back should be sufficient to create a distinct "base." 2. Step backs shall be at least an average of 10 feet.
3. An upper level setback may incorporate a sloping roof.

Kirkland
Roof and Architectural Expression

INTENT
To create a skyline and built environment that is visually interesting.

GUIDELINES
1. Buildings between 50-40 feet and 140 feet in height should incorporate features that create a visually distinctive roof form. The following are examples of such features:
   - Terraced Step Backs, 8 feet or greater on average
   - Pitched Roof Elements
   - Projecting Cornice Elements
   - Trellises along the Parapet
   - Geometric Forms (dome, pyramid, etc.)
   - Change of materials or color on top floor

Note: 2. Buildings taller than 250 feet should incorporate step backs in their uppermost floors. Such step backs need not be located on all sides, but should be enough to create a distinct "top" to the building. Alternatively, a top may be created by another architectural device such as an overhang, geometric form, or decorative architectural feature.
Screening-Mechanical Screening and Communications Equipment on the Roof

INTENT
To conceal, to the greatest extent possible, equipment, dishes and other appurtenances located on the roofs of buildings or alternatively, to integrate them into the architecture.

GUIDELINES
1. All mechanical equipment located on or near the roof shall be contained within opaque parapet walls or placed behind (or within) roof forms. Plywood walls or chain-link fencing with slats are not acceptable forms of screening. Whatever the Screening method, it shall be integrated within the architectural design of the building.

2. Efforts should be made to locate communication equipment so that it is not visible from nearby streets. If it is possible to conceal such equipment shall be concealed behind parapet walls if possible, and still allow it to operate, that is the preferred method.
Screening of Parking Structures

INTENT
To reduce the visual impact of structured parking located above grade.

GUIDELINES
1. Street-facing facades of parking levels within a building shall be treated in such a way as to seem appear more like a typical floors, rather than open slabs with visible cars and ceiling lights. This may be accomplished by two or more types of the following methods:
   - Square openings, rather than horizontal
   - Planting designed to grow on the façade
   - Louvers
   - Expanded metal panels
   - Decorative metal grills
   - Spandrel (opaque) glass
   - Other methods may be proposed that meet the intent of this guideline.

2. Free-standing parking structures shall incorporate the above features on portions of the façade above the ground level. At ground level, parking structures they shall comply with Guidelines addressing Street Level Uses and Transparency, Weather Protection and Ground Level Details.
Gateway Locations

INTENT
To identify and highlight major entrances into the City Center.

GUIDELINES
1. Within designated Gateway Areas, buildings are encouraged to incorporate architectural features that are bold and dramatic.

The following is a list of possible features:
- Tower forms at corners
- Landscaped forecourts
- Large entries
- High bay lobbies
- More intense color
- Accent lighting
- Unusual shapes or forms
- Artwork, such as a sculpture or mural
- Other methods may be proposed that meet the intent of this guideline
Pedestrian-Oriented Signs

INTENT
To ensure that the City Center reinforces pedestrian activity and commerce and to convey an image for the City Center that is urban in nature, rather than a collection of auto-oriented uses.

GUIDELINES
1. Pole signs shall not be permitted on any street within the City Center. Generally, signs shall be affixed to building facades, but monument signs, not exceeding 8 feet in height, are allowed on Boulevards and Other Streets. The area around the base of such signs shall be landscaped with shrubs and seasonal color.

2. Free-standing signs shall not be permitted along the Promenade Street, any Pedestrian Street.

3. Roof top signs shall not be permitted within the City Center.
Integrating Signs with Architecture

INTENT
To ensure that signs design is considered in the design of buildings and that the design of signs fits with the building they are associated with.

GUIDELINES
1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, it is expected that such signs shall be in conformance with an overall sign program for the building and project that allows for advertising which signage that fits with the architectural character, proportions, and details of the development.
Creative and Artistic Elements

INTENT
To encourage businesses to employ graphic symbols, creative elements, lighting and other features to identify their products and services.

GUIDELINES
1. Signs should be expressive and individualized.

2. Signs should convey the product or service offered by the business in clear, graphic form.

3. Projecting signs, supported by ornamental brackets and oriented to pedestrians are strongly encouraged.

4. Neon may be used incorporated into signs in an artful way in signs; however, simply outlining the roof or building in neon tubing shall not be allowed.
DRAFT

CITY OF LYNWOOD

ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF LYNWOOD,
WASHINGTON, AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF LYNWOOD BY ADDING LOCATIONS OF
GATEWAYS AND PROMINENT INTERSECTIONS IN THE
CITY CENTER ZONES, PROVIDING FOR SEVERABILITY,
AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws
of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce
ordinances of all kinds relating to municipal affairs and appropriate to the good government of
the City; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553
adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood
Comprehensive Plan; and,

WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554
adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new
chapter to Lynnwood Municipal Code Title 21; and,

WHEREAS, City Center Sub-Area Plan Policy CCUD 9 states,

“CCUD 9: Designate and Describe gateway treatments

Locations of gateways should be established, along with the nature of planting,
lighting and signage that would reinforce the sense of entering the City Center.”;
and,

WHEREAS, the City Center Sub-Area Plan identifies Gateways as a “Key Concept” and
states,

“2. Gateways
Major intersections and access points into the City Center should be identified and treated
as gateways. Gateway locations should include landmark type structures, significant
buildings and landscaping. These gateway features would provide orientation and
identity for the Center;” and,
WHEREAS, Lynnwood Municipal Code section 21.60.600 C addresses gateways and prominent intersections and states,

"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."

WHEREAS, after due deliberation the City Council of the City of Lynnwood has determined to amend the official zoning map of the City of Lynnwood by adding Gateway and prominent intersection locations in the City Center; and,

WHEREAS, the proposal was transmitted to State agencies for State agency review in accordance with RCW 36.70A.106; and,

WHEREAS, on __________, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance on and, following the public hearing, made a recommendation to the Lynnwood City Council; and,

WHEREAS, on __________, 2011 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; now therefore

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

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

Section 1. The official zoning map of the City of Lynnwood is hereby amended to identify the location of gateways and prominent intersections as provided for in Exhibit “A”, attached to this ordinance and incorporated herein by reference.

Section 2. 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 3. 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 ____ day of ________, 2011 and approved
by the Mayor this ____ day of ________, 2011.

APPROVED:

__________________________
Don Gough
Mayor

ATTEST/AUTHENTICATED:

__________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

__________________________
Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: ________________
PASSED BY THE CITY COUNCIL: ________________
PUBLISHED: ________________
EFFECTIVE DATE: ________________
ORDINANCE NUMBER: ________________
EXHIBIT A

ZONING MAP AMENDMENT

Gateways and
Prominent Intersection Locations
August, 31, 2011

Richard Wright, Chair
City of Lynnwood Planning Commission
C/O Community Development and Permit Center
4114 198th St SW, Suite 7
Lynnwood, WA 98036

RE: City Center Design Regulations/Guidelines and Snohomish County UC Zoning Municipal Agreements

Dear Chairman Wright and Commission Members:

Thank you for the opportunity to provide this written input regarding the impact the City Center Design Regulations/Guidelines have outside both the City Center and the City of Lynnwood and to request the inclusion of an additional provision in your recommendations to the City Council.

In May 2010 Snohomish County’s new Urban Commercial (UC) zoning, which is not an overlay with optional provisions, become effective both to implement this new zone classification and rezone several significant areas in the County envisioned for increased densities. The enclosed County’s UC Assistance Bulletin # 96 describes the zoning and areas including most property on 164th St SW between SR 525 and Martha Lake, on Alderwood Mall Parkway near its north terminus, and on Hwy 99 generally between SR 525 and 152nd St SW. The initial governmental approval process mandates the applicant and adjacent City/Town attempt for 45 days to negotiate a Municipal Agreement (see enclosed UC Development Review Process - Flow Chart). A key purpose of the Municipal Agreement is to evaluate how a proposed project’s design follows the County’s UC Development Illustrative Assistance Handbook and is compatible with the adjacent City’s standards and vision for the area. So far the process seems to work as designed.

However, meetings with both Kevin Garrett and Director Krauss indicate Lynnwood’s only Design Standards/Guidelines available as benchmarks in negotiating a UC Municipal Agreements are the City Center Design Guidelines. While requiring an applicant to work with
the adjacent City’s professional staff was surely the County’s intent, we believe proposed UC projects being evaluated against the City Center Plan is an unintended consequence. The Planning Commission and City Council can easily correct this by including provisions in the City Center Design Regulations/Guidelines to equip the Planning Staff with substantial flexibility to deviate from the City Center standards when negotiating Municipal Agreements for County UC projects.

Staff is justified in having this latitude for at least the following reasons:

1. City Center Design Regulations/Guidelines accommodate densities several or more times greater that UC allows (Max FARs - Lynnwood up to 10; UC typical 2.0 - 2.5 with 5 potential only available via a “super bonus”)
2. City Center zoning allows heights of up to 350’ vs. UC’s 90’ (up to 180’ with EIS and adjacency to major mass transportation facilities)
3. Specific City Center Design Regulations/Guidelines were derived from expensive and lengthy studies specific to the City Center core - not from unincorporated County properties several or more miles away
4. City Center Design Regulations/Guidelines were not formulated to apply elsewhere
5. The County certainly did not intent proposed UC projects being strictly evaluated against Lynnwood’s City Center Design Standards which together with Everett’s CBD are the two areas between King County and Vancouver, BC zoned for that regions most densest development

Additional UC information is available at:
http://www1.co.snohomish.wa.us/Departments/PDS/Divisions/Permitting/land_use_forms.htm
Snohomish County Code Section 30.34A SCC

Being unable to attend the September 8th continued public hearing, if you have questions or if additional information would be to helpful please let me know via email.

Thank you,

Larry Ingraham, CCIM
Managing Member

Enclosures

CC: David Kleitsch
Janiene Lambert
Paul Krauss
Kevin Garrett
Urban Centers

Q: What is an Urban Center?
A: Urban centers are compact, well-designed areas that concentrate a variety of land uses in one place. Urban centers are people-oriented living and working places that allow residents to walk to shops and high capacity transit stations. The County Council (Council) has designated Urban Centers on the Snohomish County Future Land Use Map (FLUM) where significant population and employment growth can be located, a community-wide focal point can be provided, and the increased use of transit, bicycling, and walking can be supported. Snohomish County has designated seven urban centers, all located in the unincorporated Southwest Urban Growth Area. The implementing zoning for these seven urban centers is UC. There are seven designated urban centers in unincorporated Snohomish County (I-5/164th St, I-5/128th St, SR 527/196th St, SR 99/152nd St, Point Wells, I-5/44th Ave W, and SR 99/SR 525).

Q: Are there local examples of urban center development?
A: Five developments were approved and constructed under Snohomish County’s Urban Centers Demonstration Program (UCDP), which preceded the adoption of the UC zone and Snohomish County Code (SCC) Chapter 30.34A. The five developments are:

- Newberry Square (west of the Ash Way park and ride lot located north of 164th St)
- Prestonwood (1726 165th Place SW, Lynnwood)
- Nichorwynd (15503 18th Avenue W, Lynnwood)
- Esplanade (148th Street and Seattle Hill Road)
- Zocalo (201st Place and Bothell-Everett Highway)

Other examples within cities include:

- Mill Creek Town Center (Mill Creek)
- Village Center (Mukilteo)
- Village Commons (Stanwood)
- Portola Village (Everett)
- Redmond Town Center (Redmond)
- University Village (Seattle)
- Kent Station (Kent)

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.
Q: What are the submittal requirements for an urban center development application?

A: All applications shall contain the items on the *Urban Center Development Submittal Checklist* and any other applicable submittal checklists (e.g. landscaping plan, land disturbing activity, etc.) and shall be accompanied with the following:

- Master permit application
- Site plan, landscaping plan, and drawings of the proposed building(s)
- Targeted or full stormwater site plan pursuant to SCC Chapter 30.63A
- Traffic study pursuant to SCC Chapter 30.66B (Applicants are required to schedule a traffic pre-submittal conference)
- SEPA Checklist
- Transit compatibility plan
- Transportation Demand Management (TDM) plan
- Summary of pre-application neighborhood meeting

The *Urban Center Development Submittal Checklist* is available from PDS or may be accessed from the web at: [http://www.co.snohomish.wa.us/documents/Departments/PDS/Checklists/UrbanCenterSubmittalChecklist.pdf](http://www.co.snohomish.wa.us/documents/Departments/PDS/Checklists/UrbanCenterSubmittalChecklist.pdf)

Q: What is the review process for an urban center development application?

A: SCC 30.34A.180 establishes the urban center review and approval process. Following submittal of a complete application, the applicant must immediately initiate an attempt to negotiate a “municipal agreement” with a city or town in whose future annexation area the development is located. The municipal agreement is an agreement entered into between an applicant and jurisdiction (city and/or town) in whose future annexation area the development is located. The agreement may define elements of the proposed urban center development such as design, location, density, or other aspects of the proposed development. It must be consistent with the County’s development regulations. It cannot be less restrictive than the County’s development regulations; however, the parties may agree to impose more restrictive development conditions. A municipal agreement precedes a development agreement. An applicant and the city or town has 45 days to attempt negotiations on a municipal agreement. Either party may withdraw before the end of the 45-day period or they may mutually request an extension for additional time. The 45-day clock starts on the first meeting between parties. If a municipal agreement is reached, the application (including completion of an EIS, if required) would be reviewed according to SCC Chapter 30.75 (Development Agreement). A development agreement would then be negotiated between the County and the applicant. The development agreement is forwarded to the Hearing Examiner (HE) who schedules a public hearing. The HE’s recommendation is forwarded as an ordinance to the Council. The Council has final approval authority. Any party of record has the option to appeal the Council’s decision to Superior Court.

Should a municipal agreement not be reached, the urban center application is reviewed according to SCC Chapter 30.72 (Type 2 quasi-judicial process). The application is sent to the urban center design review board (Board) who will hold a public meeting. The Board provides comments to PDS. If required, an EIS is completed and any mitigation measures would be incorporated into the staff recommendation. The staff recommendation is sent to the HE. The HE holds a public hearing. The HE may impose conditions on the development based on the public record including comments from the design review board. Any party of record may appeal the HE’s decision to the Council.
Urban Center Development Application Review Process
As of 2-24-2011

Initial contact with applicant (overview of regulations and application checklist)

Traffic pre-submittal conference and scoping meeting for Transit Usage and Facilities Study Per DPW Rule 4227

Contact POS for application submittal appointment

County informs city/town of application submittal appointment

Applicant led pre-application neighborhood meeting (held no sooner than 30 days before submittal date)

In case of complete application?

Development Agreement Path

POS reviews draft MA for consistency with county code

Applicant prepares/submits project level EIS for additional building height

POS 2nd review of project and SEPA determination

Final MA adopted by City/Town

County & applicant negotiate development agreement (DA)

Agreement?

Y

Submit DA to Hearing Examiner

HE holds hearing and recommends DA as ordinance

Request for Review

N

Council adopts

Appeal?

Y

Appeal to superior court

N

Record of DA

Applicant submits grading/building permits

Appeal?

Y

Request for record/rejection

N

Closed record appeal to council

Appeal to superior court

Type 2 Process Path

EIS Process

POs 1st review of project and

DEPA threshold determination (if nec)

POs staff report to

HE

HE open record

public hearing

Appellate?

Y

Record of DA

Applicant submits grading/building permits

Request for record/rejection

Closed record appeal to council

Appeal to superior court

Notes:

1Per SCC 30.34A.105(2)(A), a city or town may request attendance at pre-application conferences, submittal of application and re-submittal of an application.
2Meeting of application pursuant to SCC 30.34A.179(6)
3Per SCC 30.34A.199(1)(A) a 45-day clock starts for negotiation upon submittal of complete application.
4Per SCC 30.34A.808(1)
5Per chapter 30.75 SCC
6Processed pursuant to chapter 30.72 (Type 2)

Prepared by Snohomish County Planning and Development Services based on SCC 30.34A.189.
Mr. Larry Ingraham  
Emerald Properties  
18023 Highway 99, Suite I  
Lynnwood, WA 98037  

SUBJECT: County Municipal Agreement Process and City Center Design Guidelines  

Dear Larry:  

Thank you for your August 31, 2011 letter to the Planning Commission and for your interest in the City Center code amendment process. We appreciate your involvement in the process.  

Your letter asks to include a statement regarding flexibility in the use of the City Center Design Guidelines as part of negotiating a Municipal Agreement for development in a County-designated Urban Center. Specifically, your request is that language be included to provide staff with “substantial flexibility to deviate from the City Center standards when negotiating Municipal Agreements for County UC projects.”  

Your concern arises from the process adopted by the County Council to include a city that might annex a County Urban Center in review of proposed development in that Center. We believe the flexibility that you are seeking already exists and that there is no need to include language to that affect. The following paragraphs outline our reasoning.  

First, use of the City Center guidelines (rather than other City design guidelines applicable to other parts of the City) to review County development proposals in centers is appropriate. The Snohomish County website describes centers as follows,  

"Centers are compact, well-designed areas that concentrate a variety of land uses all in one place. Centers are also people-oriented living and working places that allow residents to walk to shops and perhaps a bus stop or other mass transit stations. Centers have been identified by the County where significant population and employment growth can be located, a community wide focal point can be provided, and the increased use of transit, bicycling and walking can be supported. These centers are intended to be compact and centralized living, working, shopping and/or activity areas linked to each other by high capacity or regular bus service. The concept of centers is pedestrian orientation with pedestrian circulation, pedestrian scale and pedestrian convenience with a mix of uses. An important component of a center is the public realm. The public realm are areas within the center that the public has access to for informal rest and recreation activities such as walking, sitting, games and observing nature. The
public realm, along with residential and employment uses, define a sense of place and give the center an identity."

From a design standpoint, the County's description of centers above is consistent with the Lynnwood City Center objectives. For this reason, the Lynnwood City Center design guidelines are very much an appropriate starting point for discussion and negotiation with applicants in the County's urban center process.

While used for discussion in the urban center process, the City Center guidelines themselves are not absolute. The guidelines serve as our point-of-departure for discussions with the County’s applicant. Lynnwood does not have land use jurisdiction in the County; the City Center design guidelines (and zoning) are not binding on an applicant for development in the centers. The County process is intended to encourage, but not require, a mutually acceptable agreement between the City and applicant.

Further, the County’s city-applicant agreement process itself is not a requirement for developing in an Urban Center. A developer who decides not to pursue an agreement with a city for any reason, or who finds that a city’s expectations are onerous or unreasonable, only needs to notify County staff that they are terminating discussions with the city. Their application would then be processed through the County’s design review program, per County Code.

Your letter mentions differences in development standards between the County's centers and the Lynnwood City Center (such as height and floor area ratio) as a reason why application of the City’s City Center guidelines requires flexibility. However, while the Lynnwood City Center code may allow greater density than the County’s Urban Centers, Lynnwood fully expects to have lower intensity development in the City Center, especially as the area transitions to higher densities over time. Lynnwood's City Center guidelines were prepared with this is in mind and are flexible enough to deal with a range of development types of varying density, including those of the scale you mentioned may be prevalent in the County's centers.

In conclusion, Lynnwood’s City Center design guidelines are intended to be a basis for discussion. They are not binding on an applicant, the County process does not require reaching an agreement, and the applicant has the ability to withdraw from the process and proceed through an alternate County process. For these reasons, any statement in the City Center update regarding the Municipal Agreement process is unnecessary.

Sincerely,

[Signature]
Paul Krauss, AICP
Community Development Director
**Lynnwood Planning Commission**  
**Meeting of September 8, 2011**

**Staff Report**

**Agenda Item:** E-1  
Keeping of Chickens Code Amendment  
(2011CAM0003)

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**ACTION**

Discussion only, at this work session.

**BACKGROUND**

At several of the City Council meetings, members of the public have spoken under Citizen Comments requesting that they be allowed to keep/raise chickens within the city limits. In the past few years a growing number of communities throughout the nation and our region have adopted code amendments allowing raising chickens. The reasons behind this movement are varied but include desire to promote environmental sustainability, expand the range of home-grown food, and as an option for coping with the cost of food. At the Planning Commission meeting on July 28th, a preliminary draft ordinance was presented by the staff for review regarding the raising of chickens in the single-family residential zones.

**COMMENT**

This work session is to introduce the newest draft with amendments to the single family residential code regarding the keeping of small animals as pets to allow the raising of chickens. Staff will give a brief explanation of the proposed amendments.

A number of questions and concerns were raised by the Commission members related to such items as suitable facilities to provide for humane treatment of the chickens, predator control, waste disposal, buffering and/or setbacks, disease control, and disposal of chickens. The raising of other poultry was also discussed. Staff has researched additional materials regarding the raising of chickens. The preliminary draft ordinance has been revised in response to the comments of the Commission:

- Introduction: chickens kept for personal use with eggs not to be sold (response to personal use)
- 3a – no changes
- 3(b) – General comment regarding shelters and pens.
• 3(b)(i) – Details on shelter, size of shelter, and building permits (response to humane treatment)

• 3(B)(ii) – Details on size of pen (response to humane treatment)

• 3(b)(iii) – Addresses protection from predators and construction of pens and shelters (response to predator control)

• 3(b)(iv) – Setbacks of pens/shelters. Screening. (response to buffering and setbacks)

• 3(b)(v) – Permit required for electricity

• 3(c) – Disposal of bedding/manure (response to waste disposal)

• 3(d) – No changes

• 3(e) – No slaughtering on site. Removal of infected chickens (response to disease control and disposal of chickens)

It should be noted that ducks and turkeys have not been addressed. There is concern regarding the size of enclosure that might be required.

A public hearing on this code amendment is scheduled for September 22, 2011. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

DIRECTOR’S COMMENT

The Planning Commission has raised a number of good issues with regard to refining the draft ordinance. However, it is possible to overthink and as a result over-regulate any use. It is not possible or even reasonable to base code development on the “worst case assumption.” Codes that attempt to do so are often so restrictive that they essentially render it near impossible to undertake the activity and/or so cumbersome to administer that they become intrusive upon privacy while being difficult to administer.

Several aspects of this draft raise concerns. The prohibition on slaughtering presents one such issue. The Code is being drafted to allow the raising of chickens for food which includes both eggs and slaughtering. By banning this activity we have possibly eliminated the potential for eating them. Where is the homeowner supposed to go? They would be faced with going off-site to some unnamed location or breaking the law and doing it at home. Please keep in mind, there is already a limit on a maximum of three chickens for personal use. While the analogy may be a little stretched we don’t have regulations banning the cooking of live lobsters or the cleaning of fish. Similar concerns relate to details as to minimum space standards per chicken and the like. Is it reasonable to direct the location of pens, prevent attraction of predators and that they be kept clean since these deal with potential area-wide issues. But there is already a body of law that
deals with humane treatment of animals. Adding Lynnwood’s own requirements are redundant and would require additional staff time.

RECOMMENDATION

Discuss questions and proposal.

ATTACHMENTS

A. Proposed ordinance with code amendments to allow the raising of chickens in the single-family residential zones.
CITY OF LYNNWOOD

ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR THE KEEPING OF CHICKENS IN SINGLE FAMILY RESIDENTIAL ZONES, AMENDING LMC 21.42.400(C) AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the existing Lynnwood Municipal Code treats the keeping of chickens in single family residential zones similar to the keeping of other livestock (e.g. horses, cows) with respect to lot size requirements; and,

WHEREAS, historically, the keeping of livestock had been considered to be inconsistent with residential zoning; and,

WHEREAS, it is desirable to promote sustainability and environmentally friendly practices where practical but in a manner that takes into account the urbanized nature of the city; and,

WHEREAS, allowing chickens to be harbored in the city to take advantage of their food production is a small step towards making Lynnwood more sustainable city and is desirable as long as the potential negative impacts of doing so is mitigated; and,

WHEREAS, trends in local food production and sustainable practices have led to renewed popularity of backyard chickens; and,

WHEREAS, the City wishes to allow the keeping of chickens while balancing this flexibility with protection of the residential environment; and,

WHEREAS, the proposal was transmitted to State agencies for State agency review and received by the Washington State Department of Commerce on ____________, 2011 in accordance with RCW 36.70A.106; and,

WHEREAS, on ____________, 2011, the City of Lynnwood Environmental Review Committee issued a [TBD] on the proposal with __ public comments having been received during the public comment period and no appeal having been filed; and,
WHEREAS, on _________, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance and, following the public hearing, made a recommendation to the Lynnwood City Council to adopt this ordinance; and,

WHEREAS, on ____________, 2011 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; now therefore

WHEREAS, it is in the public interest for the City Council to adopt new animal regulations for residential areas which establishes development regulations for keeping chickens within the City of Lynnwood; now therefore,

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

Section 1. Lynnwood Municipal Code section 21.42.400 is hereby amended as follows:

“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 comply 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. The keeping of livestock (except chickens; See LMC section 21.42.400(C)(3)) 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, 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 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 three (3) 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 (4) square feet per chicken. A minimum of one nesting box and one roost shall be provided in the enclosure with six to ten inches of perch provided per chicken. A building permit shall be required if the building code thresholds are triggered.

ii. The outdoor pen (a ground level roaming area) shall be a minimum of eight (8) square feet per chicken.

iii. Pens and shelters shall be constructed so as to discourage predators. Pens and shelters may be moveable but if set permanently in place, the base of the fence of the pen shall be buried a foot into the ground and a cover provided on the top of the pen 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 vegetation or 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 slaughtered on premise. Infected chickens with diseases harmful to humans shall be removed.

4. The keeping of mink, goats, foxes, or hogs is prohibited."

D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.
Section 2. 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 3. 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 ______ day of ____________, 2011.

APPROVED:

__________________________
Don Gough, Mayor

ATTEST/AUTHENTICATED:

__________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

__________________________
Rosemary Larson
CITY OF LYNNWOOD

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PASSED BY THE CITY COUNCIL, the ______ day of ___________, 2011.

APPROVED:

__________________________
Don Gough, Mayor

ATTEST/AUTHENTICATED:

__________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

__________________________
Rosemary Larson