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 City of 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 street 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” Pertet 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 City Council; and

WHEREAS, the City Council held a duly noticed public hearing on February 13, 2012

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:

“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, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries.

42nd Avenue W would run generally in a straight line 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.

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 east-northeasterly 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.

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

“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 parapets or walls when such parapets or walls are at a point six (6) feet in height or less above the roof deck.

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 LMC 21 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.

A. “City center” means the land area designated on the official zoning map comprised of the 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, residential, 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.
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.
H. “Promenad 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.
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.
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 use providing goods and services adjacent to,
visible from, and accessible from the sidewalk 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.

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

216.200 Zones established and described.

A. City Center – Core (CC-C). This 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 zone.
Over time, parking would be increasingly located within parking structures. The convention center is
located in the northeast corner of this zone.

B. City Center – West (CC-W). This 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 zone. Over time, parking would be increasingly found within parking structures.

C. City Center – North (CC-N). This zone is envisioned to have a mixture of mid-rise office buildings and
retail. Over time, parking would be increasingly found within parking structures.

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

216.300 Use limitations.

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

A. Prohibited in all city center zones:

1. Adult establishments;
2. Billboards;
3. Industrial uses (excluding management, research and development, and sales operations);
4. Outdoor storage or display of materials and equipment (except during construction) except as

   provided for in LMC 21.60.300 A.10;
5. 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);
   e. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless
      contained within an enclosed parking structure or attached to the exterior of a
      building containing a principal use.);
   f. Gasoline service stations;
   g. Rental-Car agencies with outdoor fleet;
   h. Outdoor sales of boats, vehicles, or equipment.
6. Sewage treatment plants;
7. Work release facilities;
8. Wrecking yards;
9. Secure community transition facilities;

10. Uses not fully contained within a building except:
   a. Accessory outdoor dining;
   b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and
      where the display only occurs during business hours;
   c. Temporary special events;
   d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area
      of the principal use it serves, not to exceed half an acre;
11. Self-service storage facilities (also known as mini-storage) consisting of more than 20% of the building’s total gross floor area.

12. Any other uses similar to those listed above or any other use determined by the Community Development Director to be inconsistent with the intent of city center zones as described in this chapter and the City Center Sub-Area Plan. Appeals of the Community Development Director’s decision shall be processed as a Process II application (LMC 1.35.200).

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

1. Multiple-family residential.

C. Ground floor principal uses in all City Center Zones shall be Occupiable Space.

1. Exception. Parking may occupy the ground floor of a building; provided that, the parking does not occupy ground floor space facing a street frontage. In such instances, that portion of the building facing the street shall still consist of occupiable space.

D. For buildings that directly front the Promenade Street, no less than 40 percent of the lineal frontage of any building shall be Street Level Retail uses.

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 February 27, 2012: Three Stories at no less than 30 feet. This requirement shall not apply to uses predominantly characterized as places of public assembly featuring auditoriums or meeting facilities including but not limited to religious institutions, movie or performing arts theaters, symphony halls, and convention facilities.

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.

C. 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 (C)(2) of this section.

<table>
<thead>
<tr>
<th>Maximum FAR</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Allowable “As of Right” for Existing Nonconforming Sites and Structures</td>
<td>Nonresidential</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Maximum Allowable FAR “As of Right” for New Development</td>
<td>Nonresidential</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>Maximum with Bonuses</td>
<td>Nonresidential</td>
</tr>
<tr>
<td></td>
<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);
   • 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 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. Allowable FAR for nonresidential and residential uses shall be added together for the respective use types within a mixed-use residential project, to provide for a combined FAR total.

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 without bonus features, 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 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

<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>
</tbody>
</table>
### Bonus Features

<table>
<thead>
<tr>
<th>Bonus Features</th>
<th>Feature Requirements</th>
<th>Additional Floor Area for Each Feature</th>
</tr>
</thead>
<tbody>
<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, 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 Community 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)

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 21.60.3: Required Off-Street Parking

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

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. Exterior service areas shall be located within the dedicated parking areas.

3. All exterior refuse and recycling shall be enclosed on three sides within masonry walls with a minimum height of seven feet that shall match or complement the exterior materials of primary building(s) and be covered by a roof. Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or without slats).

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.

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.
<table>
<thead>
<tr>
<th>Design Standards</th>
<th>Boulevard</th>
<th>Collector Arterial</th>
<th>Grid Street</th>
<th>Promenade Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets</td>
<td>44th Ave W, 200th St SW/AMB, 196th Street SW, 36th Ave W</td>
<td>194th St SW, 40th Ave W</td>
<td>42nd Ave W</td>
<td>198th St SW (see definition for Promenade Street)</td>
</tr>
<tr>
<td>Parking Lane</td>
<td>No Parking</td>
<td>194th St. SW: Both sides, 8 feet wide 40th Ave W: No Parking</td>
<td>Both sides; 8 feet wide</td>
<td>Both sides; 7 feet wide</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>Both sides, 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6” curb)</td>
<td>Both sides, 194th St. SW: 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6” curb) 40th Ave. W.: 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6” curb)</td>
<td>Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6” curb)</td>
<td>Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6” curb)</td>
</tr>
<tr>
<td>Curb and Gutter</td>
<td>Both sides; 6” Raised</td>
<td>Both sides; 6” Raised</td>
<td>Both sides; 6” Raised</td>
<td>Both sides; 6” Raised (or Rolled with Decorative Bollards for Pedestrian Safety)</td>
</tr>
<tr>
<td>Travel Lanes and Turning Lanes (maximum #)</td>
<td>5-8</td>
<td>194th St. SW: 2 40th Ave. W: 3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Travel Lane Width</td>
<td>11-12 feet</td>
<td>11 feet</td>
<td>14 feet</td>
<td>13 feet</td>
</tr>
<tr>
<td>Bicycle Travel Lane</td>
<td>44th Ave W., 196th St. SW., and 36th Ave W.: No bicycle travel lane 200th St. SW: 5-foot on-street bicycle lanes (both sides)</td>
<td>5-foot on-street bicycle lanes (both sides)</td>
<td>No separate on-street bike lane. Incorporate sharrows in traffic lane of street section</td>
<td>No separate on-street bike lane. Incorporate sharrows in traffic lane of street section</td>
</tr>
<tr>
<td>Intersection Curb</td>
<td>35-foot radius with no curb bulb extension along boulevard</td>
<td>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</td>
<td>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</td>
<td>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</td>
</tr>
<tr>
<td>Raised Landscape Median (width)</td>
<td>6 feet in left turn pocket areas; 18 feet at all other areas</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Notes:
- Refer to City Center Design Guidelines for access requirements.
- 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.

The following structures and parking facilities permitted in the city center zones 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 zones, the citywide design guidelines shall be replaced with the city center design guidelines.

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.

2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

3. Construction of any multiple-family residential structure.

B. Supersedes.

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 Sub-Area Plan and Related Documents.

For determining compliance with the comprehensive plan (that includes the City Center Sub-Area 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 planned location and design of streets, as shown in the street protection ordinance, as amended. Where any locations and designs in subsection (D)(1) of this section conflict with the City Center Sub-Area Plan, such locations and designs shall supersede the conflicting provisions of the City Center Sub-Area Plan.

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.

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

B. Nonconforming Sites.

Throughout the city center, there are many properties where site development existing at the time of the adoption of the ordinance codified in this chapter does not comply with the site design standards and guidelines in this chapter. Certain types of minor changes to existing site development would not trigger compliance with the development standards and design guidelines in this chapter, such as 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 shall incorporate site design features that bring the site more into compliance with the standards of the City Center Design Guidelines regardless of whether or not the site improvements, renovation, and/or expansion triggers the design review process requirement per LMC 21.60.600.

C. Nonconforming Buildings.

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

1. Exterior renovation of buildings and structures shall not increase the degree of nonconformance.

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

3. When practicable, as determined by the Community Development Director, the expansion of building footprints shall locate towards the property line of the future street right of way as described in Table 21.60.4. Appeals of the Community Development Director’s decision shall be processed as a Process II application (LMC 1.35.200).

4. Compliance with standards shall be localized to the area of the building being altered. Particular emphasis shall be given to the provision of pedestrian amenities oriented towards the 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.


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)

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 27th day of February, 2012.

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 27th day of February, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2937. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,

DATED this _______ day of _______, 2012.

LORENZO HINES, FINANCE DIRECTOR
EXHIBIT A

Amendments to Lynnwood City Center Design Guidelines