

City of Monroe
806 West Main Street, Monroe, WA 98272
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Planning Commission Agenda

Monday, July 11, 2016 7:00 p.m. Council Chambers

CALL TO ORDER

ROLL CALL

Chairman Kristiansen
Commissioner Bull
Commissioner Duerksen
Commissioner Fisher
Commissioner Jensen
Commissioner Stanger
Commissioner Tuttle

COMMENTS FROM CITIZENS

Members of the audience may comment on any city matter that is not listed on the agenda. Comments by individuals are limited to five (5) minutes. The Commission usually does not respond to matters brought up during audience participation and may; if appropriate, address the matter at a subsequent meeting.

APPROVAL OF MINUTES

June 13, 2016

Documents:

[PC06132016.pdf](#)

PUBLIC HEARINGS

None

OLD BUSINESS

1. Zoning Code - Amendments

Documents:

[A Old Business Agenda Bill - Zoning Code.pdf](#)
[ATTACH 1 Chapter 18.12 Downtown.pdf](#)
[ATTACH 2 City of Seattle - Pedestrian Zones.pdf](#)
[ATTACH 3 City of Auburn -DUC Zone.pdf](#)
[ATTACH 4 City Of Lynnwood City Center.pdf](#)

NEW BUSINESS

DISCUSSION BY COMMISSIONERS AND STAFF

ADJOURNMENT

THE PLANNING COMMISSION MAY ADD AND/OR TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

Accommodations for people with disabilities will be provided upon request.
Please contact City Hall at 360-794-7400 and allow one-week advanced notice.

**CITY OF MONROE
PLANNING COMMISSION MINUTES
Monday, June 13, 2016**

The regular meeting of the Monroe Planning Commission was held on **Monday, June 13, 2016** at **7:00 p.m.**, in the City Hall Council Chambers at 806 West Main Street, Monroe, WA 98272.

CALL TO ORDER

Chair Kristiansen called the meeting to order at **7:00 p.m.**

ROLL CALL

Secretary Christina LaVelle called the roll. The following were:

Commissioners Present: Chair Kristiansen, Commissioner Jensen, Commissioner Tuttle, Commissioner Stanger, and Commissioner Bull

Commissioners Absent (Excused): Commissioner Duerksen

Staff Present: Director of Community Development David Osaki and Planning Commission Secretary Christina LaVelle

COMMENTS FROM CITIZENS

Kristina & Paul Barker
17631 147th Street S.E.
Monroe, Washington 98272

Kristina and **Paul Barker**, owners of Jump, Rattle and Roll, stated their objection to a 5% tax imposed by the City of Monroe for all businesses that charge an admissions fee. The Barkers stated that the tax financially burdens the business and customers. They asked the Commission to defer or to reduce the tax. **Director Osaki** commented that the Planning Commission lacked the authority to act in this capacity and the appropriate venue for the discussion was with the City Council.

APPROVAL OF MINUTES

- May 23, 2016
Commissioner Jensen moved to accept the May 23, 2016, Planning Commission Meeting minutes as written. **Commissioner Tuttle** seconded. Motion carried **5/0**.

PUBLIC HEARING

Director Osaki summarized the proposed impact fee deferral Ordinance. The ordinance responds specifically to State law passed in 2015 related to the timing of the collection of impact fees for new single-family detached and attached development.

The State Legislation that requires the City to adopt and implement an impact fee deferral program for the collection of impact fees that upon the developer's request, delays payment until the time of either: final inspection; issuance of the certificate of occupancy or equivalent certification; and/or the closing of the sale of the property. State law dictates that that City adopt an impact deferral program by September 1, 2016.

Key elements of the proposed ordinance include:

- Impact fees may be deferred to the time of final inspection, or 18 months, whichever is sooner;
- An applicant may have up to 20 annual (calendar year) impact fee deferrals.
- A reasonable administrative fee is authorized.

Chairman Kristiansen opened the public testimony portion of the Public Hearing.

PUBLIC COMMENTS

None

Commissioner Tuttle moved to close the public testimony portion of the Public Hearing. **Commissioner Jensen** seconded. Motion carried **5/0**.

The Commission's discussion is summarized below:
The Commission discussed the proposed ordinance.

Commissioner Jensen moved to close the Public Hearing. **Commissioner Stanger** seconded. Motion carried **5/0**.

Commissioner Jensen moved to recommend to the City Council the adoption of the attached ordinance amending Monroe Municipal Code Chapters 20.07, 20.10 and 20.12. **Commissioner Stanger** seconded. Motion carried **5/0**.

OLD BUSINESS

Director Osaki presented the Downtown Aerial Map with Downtown District Boundaries.

The Commission's discussion is summarized below:

The Commission discussed the aerial map and suggested changes to downtown boundaries and zoning code.

DISCUSSION BY COMMISSION AND STAFF

- **Director Osaki** notified the Commission of the City Council confirmation for the new Planning Commissioner, Kyle Fisher. The confirmation is scheduled for the Tuesday, June 14, 2016

City Council meeting.

- **Director Osaki** updated the Commission on current and potential land use projects.

ADJOURNMENT

Commissioner Tuttle moved to adjourn the **June 13, 2016** Planning Commission meeting. Motion was seconded by **Commissioner Bull**. Motion carried **5/0** and the meeting was adjourned at **9:50 p.m.**

Bill Kristiansen
Chair

Christina L. LaVelle
Planning Commission Secretary

MONROE PLANNING COMMISSION
Agenda Item Cover Sheet

TITLE:	Zoning Code - Amendments
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DATE:		CONTACT:	PRESENTER:	ITEM:
07/11/16		David Osaki	Dave Osaki	Old Business

Discussion: 01/11/16; 01/25/2016, 02/22/2016, 03/28.2016, 4/11/2016, 4/25/2016, 05/09/2016, 05/23/2016, 06/13/2016

Public Hearing: None

- Attachments:**
1. MMC Chapter 18.12 (w/edits)
 2. City of Seattle Zoning Code excerpt
 3. City of Auburn Zoning Code excerpt
 4. City of Lynnwood Zoning Code excerpt

DESCRIPTION/BACKGROUND

Prior Planning Commission meetings have discussed amendments to the zoning code, particularly the Downtown Commercial District.

The July 11, 2016 meeting will review revisions the Downtown Commercial zone (Monroe Municipal Code Chapter 18.12) use matrix chart (Attachment 1) to ensure it meets the intent of prior Planning Commission discussions. New definitions and updated/reordered footnotes are not yet included.

Also, there has been Planning Commission discussion about the use of an overlay zone or other zoning code provision to direct limit certain types of land uses to certain street segments.

Examples of how other cities apply this concept are attached (see Attachments 2, 3 and 4). In summary, the following describes these other cities' approach.

Seattle (Attachment 2)

The City of Seattle has a "Pedestrian (P) Zone" which, among other items, regulates the type of street level uses on street segments to which it applies. One of the provisions of the City of Seattle's code states,

"D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.
 - a. Arts facilities;
 - b. Community gardens;
 - c. Eating and drinking establishments;
 - d. Entertainment uses, except for adult cabarets, adult motion picture theaters and adult panorams;
 - e. Food processing and craft work;
 - f. Institutions, except hospitals or major institutions;
 - g. Lodging uses;
 - h. Medical services;
 - i. Offices, provided that no more than 30 feet of the street-level street-facing facade of a structure may contain an office use;
 - j. Parks and open spaces;
 - k. Rail transit facilities;
 - l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in [Section 23.73.015](#);
 - m. Sales and services, general; and
 - n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level street-facing facade of a structure may contain a non-household sales and service use. The establishment of any such use is subject to the applicable.”

Auburn (Attachment 3)

The City of Auburn has language in its Downtown Urban Center (DUC) zoning district that requires “Ground floor retail, restaurants and/or office use” on building frontages facing Main Street. The provision states,

“18.29. 18.29.050 Use limitations.

Hereafter, all buildings, structures or properties may be used for any use, unless specifically prohibited herein. Ground floor retail, restaurants and/or office use is required for all building frontages facing Main Street.”

Lynnwood

The City of Lynnwood City Center zone below has provisions requiring that all ground floor principal uses in all city center zones shall be occupiable space and that, for certain streets within the city center, a percentage of a building’s frontage be comprised of retail uses.

“21.60.300 Use limitations.

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

...

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 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.”

In this case, the City of Lynnwood defines “occupiable space” and “street level retail” as,

“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).

“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.”

RECOMMENDED ACTION

Discussion.

Chapter 18.12 DOWNTOWN COMMERCIAL (DC) ZONE

Sections:

- [18.12.110](#) Purpose of the downtown commercial zone.
- [18.12.120](#) Neighborhoods and maps.
- [18.12.130](#) Downtown Residential neighborhood (DN).
- [18.12.140](#) Rails and Roads neighborhood (RR).
- [18.12.150](#) Historic Main area (HM).
- [18.12.160](#) Borlin Park East Downtown neighborhood (BP).
- [18.12.170](#) Downtown neighborhood land use matrix.
- [18.12.180](#) Mixed-use requirements.
- [18.12.190](#) Special uses.
- [18.12.200](#) Downtown planning area bulk requirements.
- [18.12.210](#) General downtown commercial requirements for the Historic Main and Borlin Park neighborhoods.
- [18.12.220](#) Downtown commercial parking.

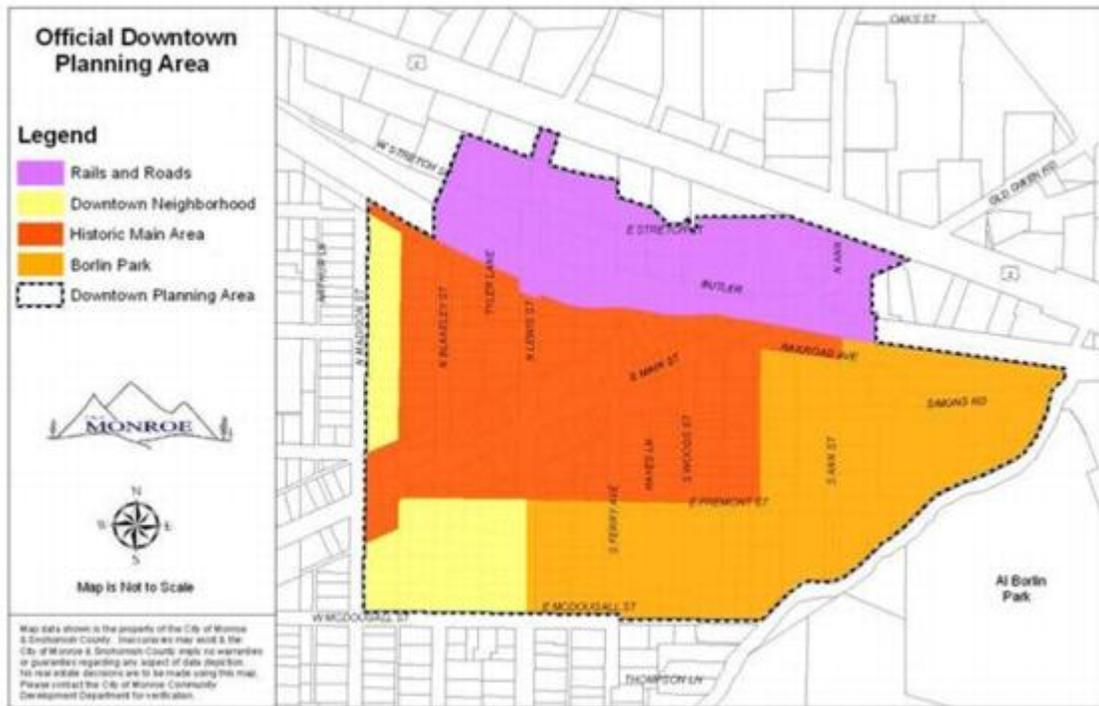
18.12.110 Purpose of the downtown commercial zone.

The purpose of the downtown commercial zone is to integrate civic, commercial, entertainment, cultural and residential uses and increase economic and urban activity levels within the zone. Development standards or guidelines applicable to the downtown commercial zone enhance opportunities for significant growth of office, commercial, and residential projects in the city's core, where public transit and civic amenities are more concentrated and available. (Ord. 006/2009 § 3)

18.12.120 Neighborhoods and maps.

- A. Neighborhoods. The downtown commercial zone is subdivided into four distinct neighborhoods; each neighborhood is intended to implement specific aspects of the comprehensive plan that pertain to the downtown planning area. Each neighborhood contains a unique mix of uses and zoning regulations, as described in this chapter. The four neighborhoods are DRN Residential Downtown neighborhood, RR Rails and Roads neighborhood, HM Historic Main area, and BP Borlin Park ED East Downtown neighborhood
- B. Official Downtown Planning Area Zoning Map. The official downtown planning area zoning map shows the boundaries of the planning area and represents the four distinct neighborhoods in the downtown commercial zone. This map shall be supplemental to the current, official city of Monroe zoning map.

(NOTE MAP LEGEND TO BE EDITED TO REFLECT NIEGHBORHOOD NAMES)



C. Planning Area and Neighborhood Boundaries. Where uncertainty exists as to the boundaries of the downtown planning area and downtown commercial neighborhoods, as shown on the official downtown planning area zoning map, the rules defined in MMC [18.04.030](#) shall apply. (Ord. 006/2009 § 3)

18.12.130 Downtown Residential neighborhood (RDN).

A. Purpose. The Downtown Residential neighborhood frames the western edge of the Historic Main area and contains existing single-family houses, multifamily buildings, and some commercial uses. This mix of uses is appropriate for this neighborhood, as a transitional edge between single-family neighborhoods and the Historic Main area, to provide a setting for small businesses and close-in housing options. Future redevelopment in this area will provide a mix of uses. Residential uses in this neighborhood are limited to single-family residences, and duplexes and multi-family dwellings.

B. Residential Density. Residential density will allow up to eleven dwelling units per acre. The number of units on a specific site is calculated by multiplying the gross area by eleven units per acre. (Ord. 006/2009 § 3)

18.12.140 Rails and Roads neighborhood (RR).

The Rails and Roads neighborhood includes the lands north of the Historic Main area, between the railroad and U.S. Highway 2. Many of the properties in this area have roads along the front and rear of the property, looking both to downtown and to the commercial strip. Various commercial activities are appropriate in this neighborhood. The long-term vision for the area should make use of the rail lines by encouraging a rail stop for potential passenger service. Residential uses in the RR neighborhood are not allowed, due to the commercial nature of the area. (Ord. 006/2009 § 3)

18.12.150 Historic Main area (HM).

A. Purpose. The Historic Main area encompasses the blocks along Main Street between Madison Street and the railroad tracks and along Lewis Street between Fremont Street and the railroad tracks. The Historic Main area will be the core area for specialty commercial uses that serve the entire community and even the region. The goal for this area is to continue to have a high concentration of retail, dining, and entertainment functions, while accommodating professional services and some residential housing. Cultural and recreational facilities should also be a part of the area's mix of uses.

B. Residential Density. The Historic Main area allows up to twenty residential units per gross acre. To calculate the number of possible dwelling units/lots, refer to MMC [18.10.010\(B\)](#) for the single-family density calculation and MMC [18.10.020\(B\)](#) for the multifamily or mixed use density calculation.

C. Design Guidelines. All development within the Historic Main area shall comply with the design guidelines found in the downtown master plan. Design guideline review will be administrative and is subject to the requirements of MMC [18.10.130](#). (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

18.12.160 Borlin Park East Downtown neighborhood (BP).

A. Purpose. The goal for this neighborhood is to promote an "urban village" character that contains pedestrian scale amenities and high-quality mixed-use and high-density residential development. Land uses will provide for a concentration of commercial, residential, and civic functions. Civic functions may include recreational and arts uses as well as education-related activities. The Borlin Park East Downtown neighborhood should contain significant, well-designed parks and open space. There are opportunities to make use of natural amenities along the eastern edge of the area that would make this a distinctive and appealing location for in-town housing. There are also opportunities to provide additional urban, civic green spaces within convenient walking distance of the Historic Main area. This combination of uses is necessary to promote the greater downtown Monroe area as a regional destination for specialty retail, dining, and entertainment.

Areas along Woods Creek and the Borlin Park East Downtown neighborhood are encouraged to provide enhanced pedestrian and bicycle connectivity. Also proposed along Woods Creek is an area for an overlook and water access at the creek itself, which would be linked into the enhanced bike and pedestrian ways. Areas of the AI Borlin Park neighborhood, which are within the Woods Creek shoreline area, will have some development constraints due to the natural sensitivities of the creek side areas.

B. Residential Density. The Borlin Park East Downtown neighborhood allows up to twenty residential units per gross acre. To calculate the number of possible dwelling units/lots, refer to MMC [18.10.020\(B\)](#) for the multifamily or mixed use density calculation.

C. Design Guidelines. The Borlin Park East Downtown Neighborhood Design Guidelines, dated February 2009, or as amended in the future, and attached to the ordinance codified in this section, are hereby adopted and incorporated into this code by this section by this reference as if set forth in full. All development within the Borlin Park neighborhood shall comply with the design guidelines as adopted and is subject to the requirements of MMC [18.10.130](#). (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

18.12.170 Downtown neighborhood land use matrix.

This matrix shall be considered supplemental to the zoning land use matrix, MCC 18.10.050. Uses identified in the matrix below, but not in MCC 18.10.050, shall be considered prohibited in the zoning districts identified in MCC 18.10.050.

Downtown Neighborhood Zoning Matrix	Downtown Commercial Zone			
	Downtown Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area	East Downtown Borlin Park Neighborhood
Accessory dwelling units	P ¹		P ¹	P ¹
Adult entertainment (business use) P2				
Amusement facility		P	C	C P
Antique shop		P	P	P
Art gallery		P	P	P
Auto repair, minor		P		

Auto repair, major		P		
Bakery		P	P	P
Bank without drive-up facility		P	P	P
Bank with drive-up facility		P	P C	P
Bed and breakfast	C ¹		C ¹	CP ¹
Brewery, micro		P	P	CP
Church	C	P	PC	P
Cleaning establishment		P	P	C.P
Clinic, health services	C	C	C	C
Club		P	PC	CP
Club, fitness (expand definition to include martial arts; review definition for participation fee)	P	P	PC	AP
Coffee shop	A	P	P	P
Community open-air market		P	P	P
Convenience stores		P	P	P
Day care center	AC ²	PC ²	AC ²	PC ²
Review day care for adults				
Distillery (create definition)		P	P	P
Drive-up/through		P	P ³	P ³
Drug store		P	P	P
Dwelling, duplex	P			
Dwelling, mobile home	P	I	C	
Dwelling, multifamily	P		CP ⁴	P
Dwelling, single-family	P		C	
Dwelling, townhouse	P		C	P

Electrical transmission lines of higher voltage than 115 kV, in existing corridors (above or below ground)	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (underground)	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (above ground)	C	C	C	C
Family day care	A	A	A	A
Garden produce (to be defined or deleted if not defined)		P	P	P
Gas station		P.	C.	
Government facilities	C	C	C	C
Greenhouse, retail		P	PC	P
Grocery store		P	⁵ P	⁵ P
Group homes, Type 1	P		C	P
Group homes, Type 2	³ C		³ C	³ C
Halfway house	EPF		EPF	EPF
Hardware store 1 (to be footnoted to less be 20,000 square feet or less)		P*	P*	P
Hardware store 2		P		
Home occupations, minor only	P		P	P
Hotel (Staff to research smaller hotels)		P	CP	CP
Library		P	P	P
Mixed-use (commercial and residential) (review and amend existing definition)	P		P	P

Mobile vendors		P ⁶	P ⁶	P ⁶
Motel.		P		
Nursing and/or convalescent home (staff to review how to limit size)			P ⁸	P ⁸
Office, professional	P	P	P	P
Parking lots (accessory use).	P.	P.	P.	P.
Parking lots (stand-alone)	C	C	C	C
Pawn shop.		P.	P.	
Preschool	C.	CP	C	CP
Print shop		P	PC	CP
Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF
Restaurant		P	P	P
Retail stores		P	P ⁷	P ⁷
Retirement housing/assisted living facility	P*	P ⁸	P ⁸	P ⁸
Service establishment	C	P	P	P
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF
Tavern/pub		P	P	AP
Tool sales and rental		P		A
Utility services	PC	PC	PC	PC
Veterinary clinic/animal hospital	C	P	C	P

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; and EPF = Essential public facility (see Chapter [18.15](#) MMC)

¹ P Accessory dwelling units must meet criteria outlined in Chapter [18.40](#) MMC.

² P Adult entertainment facilities are subject to Chapter [5.48](#) MMC and are not allowed in the downtown commercial zone.

³ P Drive-up/through windows or areas are prohibited in any establishment serving food and/or beverages.

⁴ P Multifamily dwellings are only allowed in conjunction with mixed-use structures.

⁵ P Grocery stores may not exceed 20,000 13,000 square feet in gross floor area.

⁶ P Mobile vendors must meet the criteria outlined in MMC [18.12.190\(A\)](#).

⁷ P In the Historic Main and Borlin Park neighborhoods, retail stores are limited to low-intensity uses no more than two thousand five hundred gross square feet, which are typically part of a larger development. Low-intensity uses may include, but are not limited to, boutiques, galleries, jewelry stores, clothing shops, and similar retail uses.

⁸ P Based upon bedrooms as opposed to dwelling units in any combination of one-, two-, and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (43,560 square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example, in the MR 6,000 zone a one-acre site could achieve thirty-three bedrooms per acre ($43,560 / 4,000 = 10.89$ or 11 dwelling units per acre $\times 3 = 33$).

¹ C Caretaker must be on site.

² C Limitation on number of children permitted per establishment.

³ C Group homes that qualify as essential public facilities shall follow the regulations in Chapter [18.15](#) MMC, Essential Public Facilities.

(Ord. 008/2010 § 1 (Exh. 1); Ord. 006/2009 § 3)

18.12.180 Mixed-use requirements.

A. Residential Mixed-Use Requirements. The purpose and intent of requiring specific standards for residential mixed-use developments is to determine:

1. Compatibility of land uses by establishing specific standards and incentives for residential mixed-use developments to ensure and promote consistency in design, construction, and scale;

2. Proximity of housing to services by providing opportunities for residents to live close to areas of shops, offices and other urban amenities, in order to facilitate access to such services and places of employment, and also to promote pedestrian orientation while decreasing the need for automobile trips;
3. Consistent application of design standards for all new or renovated buildings within the Historic Main Street and Borlin Park neighborhoods, as applicable; and
4. Ensure that the residents of mixed-use developments are provided with the same amenities afforded other multifamily developments throughout the city.

B. Applicability. Residential mixed-use development is permitted as established in the Downtown neighborhood Land Use Matrix of this chapter.

1. A minimum of one floor must be dedicated to residential use to qualify as a mixed-use development.
2. Historic Main ground floor must be commercial. (Ord. 006/2009 § 3)

18.12.190 Special uses.

A. Mobile Vendors. The purpose of this section is to regulate the activities of mobile vendors, where permitted, and promote the safety and welfare of the general public.

1. Requirements.
 - a. Submit a site plan that includes the elements described in MMC [18.82.030](#).
 - b. Submit property owner's written approval to locate on property.
 - c. Provide a signed agreement with a neighboring property owner within two hundred feet of the business for use of restrooms.
 - d. All mobile vendors engaged in the sale of food shall comply with all laws, rules, and regulations regarding food handling and provide a statement of approval from the Snohomish Health District. All vehicles or conveyances used by mobile vendors shall comply with all applicable laws, rules, and regulations as established by the Washington State Motor Vehicle Code and the Monroe Municipal Code.

e. If inside seating is provided within the vehicle or unit, compliance with the accessibility code is required including, but not limited to:

- i. Accessible ramp;
- ii. Aisle width of thirty-six inches;
- iii. Door width of thirty-six inches;
- iv. Seating to accommodate a wheelchair;
- v. An accessible restroom within the vehicle/unit.

f. Vehicles must bear a seal that indicates it has been inspected and approved by L & I.

2. Business License. A business license is required for all mobile vendors prior to conducting business, in conformance with licensing requirements established in Chapter [5.02](#) MMC, Business Licenses.

3. Site Restrictions.

a. Mobile vendors shall be limited to two, per linear block on each side of the street, if the vendors are separated by a minimum distance of one hundred feet.

b. No mobile vendor shall sell or convey goods in the public right-of-way.

c. Mobile vendors cannot obstruct the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.

d. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane.

e. Mobile vendors cannot conduct business unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city, in effect at the time of application or as hereafter amended.

f. This section shall not apply to vendors operating in conjunction with, and at the location of, events known as the farmers' market or as part of permitted special event, per Chapter [5.28](#) MMC.

g. No temporary/portable restrooms are allowed on site.

h. All mobile vendors shall clean up all litter originating from their business, each day, within a one hundred fifty-foot radius of the location where sales occur.

B. Community-Oriented Open-Air Markets.

1. The purpose of this chapter is to regulate community-oriented open-air markets within the downtown commercial zone, including farmers' markets, art fairs, and the like. Community-oriented open-air markets are intended to be operated by a public or private organization, which is open to the public and operates from individual booths or stands.

2. Permitted Uses.

a. All fruits, vegetables, berries, butter, eggs, milk, or any farm produce sold by the grower or a representative.

b. Edibles raised or caught by the seller, including fish and meats.

c. The sale of goods and products produced by artisans, crafts persons, or their representative.

d. Sale of food and beverages prepared on site such as concession stands.

3. Prohibited Uses.

a. The secondhand sale of goods and products;

b. The sale of any raw meat, fish or poultry product unless approved by the Snohomish Health District;

c. The sale of any beverage or food unless appropriately licensed from the Snohomish Health District; and

d. No sound amplification system shall be used in conjunction with the market, which produces noise and which is audible beyond the boundaries of the area designated in the application per MMC [18.10.270](#), Performance standards.

4. Required License and Permits.

a. A business license from the city must be obtained by the sponsoring organization in conformance with licensing requirements established in Chapter [5.02](#) MMC, Business Licenses.

b. Any permits required by the Snohomish County Health District.

c. Exemptions. Required license and permits shall not be applied to any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person within Snohomish County, Washington, and exempt pursuant to RCW [36.71.090](#) from paying any fee or application. Such persons are exempt from the licensing and fee requirements of Chapter [5.02](#) MMC.

d. A special event permit will be required per Chapter [5.28](#) MMC, for events on public property. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

18.12.200 Downtown planning area bulk requirements. 

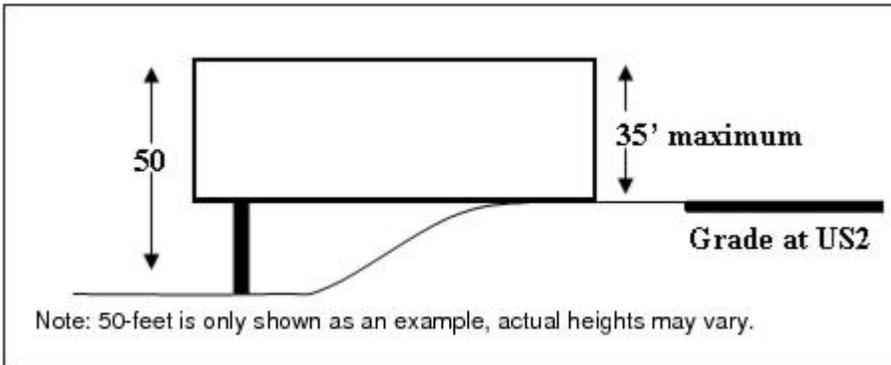
Site Requirement	Downtown Commercial Zone Neighborhoods			
	Downtown Neighborhood	Rails and Roads Neighborhood	Historic Main Area ¹	Borlin Park Neighborhood
District Symbol	DN	RR	HM	BP
Minimum Building Front/Street Setbacks (In Feet)	10 ft. – Living 20 ft. – Garage 20 ft. – Office	25 ft. from arterial 20 ft. from all other streets	None	None
Minimum Building Rear Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional story	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²
Minimum Building Side Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²

	story			
Maximum Lot Coverage of Structures and Other Impervious Surfaces	75%	None	None	85% ²
Minimum Landscaped Area/Landscaping Requirements	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC
Maximum Height (In Feet)	35 ft.	35 ft. ⁶	35 ft. ³	35 ft. ³
Maximum Height Bonus (In Feet) for Mixed-Use Buildings	None	None	55 ft.	55 ft.
Ground Floor Use Requirement for Mixed-Use Buildings	None	None	Commercial	None
Design Criteria	None	None	Yes – MMC 18.12.150	Yes – MMC 18.12.160
Minimum First Story Height (Mixed-Use)	None	None	15 ft.	15 ft.
Minimum Lot Area	SFR – 4,000 sq. ft. Duplex – 8,000 sq. ft. Office – 4,000 sq. ft.	None	None	None
Floor Area Ratio (FAR)	N/A	N/A	1.7:1	1.7:1
Bonus FAR for Residential	N/A	N/A	0.5 ⁴	0.5 ⁴
Bonus FAR for Underground Parking	N/A	N/A	0.5 ⁵	0.5 ⁵

1. New single-family development in the Historic Main neighborhood will follow the bulk requirements for the downtown neighborhood.

2. Critical areas located on the lot count toward the FAR.

3. Mixed-use facilities may achieve twenty-foot height bonus.
4. If the structure is mixed-use, a minimum of one story must be dedicated to residential use.
5. Bonus FAR of 0.5 for buildings which provide one full level of parking below grade.
6. Maximum height of thirty-five feet is measured from the grade level at U.S. Highway 2 to the roofline for buildings fronting U.S. Highway 2 (see diagram below).



(Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

18.12.210 General downtown commercial requirements for the Historic Main and Borlin Park neighborhoods.



A. Development Standards.

1. Minimum height of ground floor shall be fifteen feet in height, from top to top of the successive finished floor surfaces on applicable buildings, as illustrated in Figure 18.12-1. Figure 18.12-1 shows a ground floor height of fifteen feet.

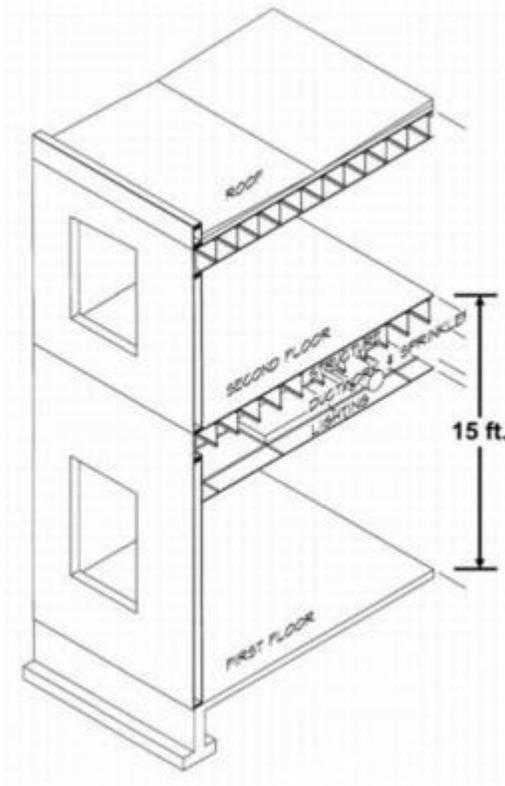


Figure 18.12-1: Ground Floor Height Measurement

2. Floor Area Ratio (FAR) Bonus. New or renovated buildings, as applicable, may attain a 0.5 FAR bonus for mixed-use buildings, if a minimum of one floor is dedicated to residential use.
3. Ground Floor. Commercial uses shall be located on the ground floor, as applicable. The elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location.
4. Exceptions and Clarifications.
 - a. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement. Ground floor parking is allowed under the following circumstances:
 - i. The parking lot is behind commercial suites on the ground level.
 - ii. Commercial use requirement will be satisfied on the second story.

iii. Additional landscape screening is provided.

b. Commercial space located on the ground floor shall be directly accessible, by an entry, from the sidewalk. (Ord. 006/2009 § 3)

18.12.220 Downtown commercial parking. 

A. Off-street parking shall be provided per Chapter [18.86](#) MMC, throughout the downtown commercial zone, with the following exceptions:

1. The Historic Downtown neighborhood is exempt from off-street commercial parking requirements; however, for new construction on-site parking is encouraged when feasible.

B. The director or designee may approve a reduction of up to twenty percent of the required off-street parking spaces, per MMC [18.86.050](#), when the applicant provides one or more of the following:

1. The applicant submits a parking study, by a qualified professional, substantiating that the parking need can be met by the proposed reduction.

2. The applicant sets aside land equal to the reduction area, which can be converted to parking, if a change in use or tenant occurs that increases the minimum required off-street parking, per MMC [18.86.050](#); in such case, the land set aside must be converted to parking.

3. For every five bicycle spaces provided, per subsection (C) of this section, or for each bicycle locker (two-bicycle capacity), the minimum motor vehicle parking space requirements may be reduced by one space up to five percent of the total required off-street parking spaces.

4. On sites where at least twenty parking spaces are required and where at least one frontage abuts a designated roadway, transit supportive plazas may be substituted for up to ten percent of required vehicle parking when:

a. The plaza is adjacent to the arterial street (if there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop);

b. The plaza must be at least two hundred square feet in area and be shaped so that a ten-foot by ten-foot square will fit entirely within the plaza; and

c. The plaza must be open to the public, contain a bench or other sitting area and shall have at least ten percent and no more than twenty-five percent landscaping.

5. The applicant enters into joint parking agreement, for use of a cooperative parking facility, in accordance with MMC [18.86.070](#) and [18.86.080](#). Through a joint parking agreement, the twenty percent reduction may be increased if all cooperative parking facility criteria are met.

C. Standards for Bicycle Parking. Any bicycle parking implemented under this section must meet the following standards:

1. Bicycle parking must be provided at the ground level, and may be provided in floor or wall racks that hold bicycles securely. Bicycles may be tipped vertically for storage, but not hung above the ground. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways or damage required landscaping.

2. Where required bicycle parking is provided with racks, the racks must meet the following standards:

a. The rack must hold the bicycle securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels;

b. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;

c. The rack must be securely anchored to the ground or adjacent structure with theft-resistant hardware.

3. Where bicycle parking is provided with lockers, such lockers must meet the following standards:

a. An area of at least six feet of horizontal distance shall be provided around the entrance of each locker that is free from obstructions; and

b. The lockers must be securely anchored to the ground or adjacent structure with theft-resistant hardware.

D. Underground parking is encouraged throughout the downtown commercial zone. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

City of Seattle

Pedestrian (P) Zone

23.47A.005 - Street-level uses

A. The requirements of this [Section 23.47A.005](#) apply in addition to the other applicable requirements of this [Title 23](#).

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

- a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or
- b. In all NC and C1 zones within the Bitter Lake Village Hub Urban Village; or
- c. In all NC and C1 zones within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.2; or
- d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or
- e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or
- f. In all NC and C1 zones within the Northgate Overlay District, except as provided in [Section 23.71.044](#); or
- g. In all NC and C1 zones within the areas shown on Maps 1 through 5 for 23.47A.005.C at the end of this [Chapter 23.47A](#) when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

- a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006, on the same site; or
- b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or
- c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for [23.73.008](#); or
- d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps 1 through 60 for 23.47A.005.C, at the end of this [Chapter 23.47A](#), a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of [Chapter 22.206](#), and if the area proposed to be converted meets the owner occupancy requirement of subsection 23.44.041.C; or
- e. Within a structure that:
 - 1) is developed and owned by the Seattle Housing Authority; and
 - 2) is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.
4. Where residential uses at street level are limited to 20 percent of the street-level street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this [Section 23.47A.005](#) and [Section 23.47A.008](#), or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

- a. Arts facilities;
- b. Community gardens;
- c. Eating and drinking establishments;
- d. Entertainment uses, except for adult cabarets, adult motion picture theaters and adult panorams;
- e. Food processing and craft work;
- f. Institutions, except hospitals or major institutions;
- g. Lodging uses;
- h. Medical services;
- i. Offices, provided that no more than 30 feet of the street-level street-facing facade of a structure may contain an office use;
- j. Parks and open spaces;
- k. Rail transit facilities;
- l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in [Section 23.73.015](#);
- m. Sales and services, general; and
- n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level street-facing facade of a structure may contain a non-household sales and service use. The establishment of any such use is subject to the applicable use provisions of this [Title 23](#).

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

- 10th Avenue;
- 11th Avenue;
- 12th Avenue;
- 13th Avenue, between East Madison Street and East Pine Street;
- 14th Avenue South, except within the North Beacon Hill Residential Urban Village;
- 15th Avenue East;
- 15th Avenue Northeast, north of Lake City Way Northeast;
- 15th Avenue Northwest;
- 22nd Avenue Northwest;
- 23rd Avenue;
- 24th Avenue Northwest;
- 25th Avenue Northeast;
- 32nd Avenue West;
- 35th Avenue Northeast, except within the Lake City Hub Urban Village;

35th Avenue Southwest, except within the West Seattle Junction Hub Urban Village;
39th Avenue Northeast;
Aurora Ave North, except within the Bitter Lake Village Hub Urban Village;
Beacon Avenue South;
Boren Avenue;
Boylston Avenue, except within the Pike/Pine Conservation Overlay District;
Broadway;
Broadway East;
California Avenue Southwest;
Delridge Way Southwest;
Dexter Avenue North;
East Green Lake Drive North;
East Green Lake Way North;
East Madison Street;
East Olive Way;
East Pike Street;
East Pine Street;
East Union Street, except within the Pike/Pine Conservation Overlay District only lots abutting East Union Street between Broadway and East Madison Street;
Eastlake Avenue East;
First Avenue North, except within the Upper Queen Anne Residential Urban Village;
Fremont Avenue North;
Fremont Place North;
Galer Street;
Green Lake Drive North;
Greenwood Avenue North;
Lake City Way Northeast;
Madison Street;
Martin Luther King Jr. Way South;
Mercer Street;
North 34th Street;
North 35th Street;
North 45th Street;
North 85th Street;
Northeast 43rd Street;
Northeast 45th Street, except between Linden Ave North and Evanston Ave North;
Northeast 55th Street, east of 15th Avenue Northeast;
Northeast 65th Street;
Northeast 125th Street;
Northwest 65th Street;
Northwest 85th Street;
Northwest Market Street;
Phinney Avenue North, between North 58th Street and North 63rd Street;
Pike Street;
Pine Street;
Queen Anne Avenue North;
Rainier Avenue South;
Roosevelt Way Northeast;
Roy Street;
Sand Point Way Northeast;
South Alaska Street;
South Cloverdale Street;
South Henderson Street;

South Jackson Street;
South Lander Street;
South McClellan Street;
South Othello Street;
Southwest Alaska Street;
Stone Way North;
Summit Avenue, except within the Pike/Pine Conservation Overlay District;
Terry Avenue;
University Way Northeast;
Wallingford Avenue North;
West Dravus Street;
West Galer Street;
West McGraw Street, except within the Upper Queen Anne Residential Urban Village;
West Green Lake Drive North; and
Woodlawn Avenue Northeast.

(Ord. [124770](#), § 4, 2015; Ord. [124503](#), § 2, 2014; Ord. [124378](#), § 39, 2013; Ord. [123939](#), § 11, 2012; Ord. 123816, § 3, 2012; Ord. [123589](#), § 8, 2011; Ord. [123046](#), § 1, 2009; Ord. [123020](#), § 9, 2009; Ord. [122935](#), § 3, 2009; Ord. [122311](#), § 44, 2006.)

- **23.47A.008 - Street-level development standards**

- A. Basic street-level requirements

- 1. The provisions of this subsection 23.47A.008.A apply to:

- a. Structures in NC zones;
 - b. Structures that contain a residential use in C zones;
 - c. Structures in C zones across the street from residential zones; and
 - d. All structures in pedestrian-designated zones.

- 2. Blank facades

- a. For purposes of this [Section 23.47A.008](#), facade segments are considered blank if they do not include at least one of the following:

- 1) Windows;
 - 2) Entryways or doorways;
 - 3) Stairs, stoops, or porticos;
 - 4) Decks or balconies; or
 - 5) Screening and landscaping on the facade itself.

- b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

- c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

- 3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

- B. Non-residential street-level requirements

1. In addition to the provisions of subsection 23.47A.008.A, the provisions of this subsection 23.47A.008.B apply to:
 - a. Structures with street-level non-residential uses in NC zones;
 - b. Structures with street-level non-residential uses that also contain residential uses in C zones;
 - c. Structures with street-level non-residential uses in C zones across the street from residential zones; and
 - d. All structures in pedestrian designated zones.
2. Transparency
 - a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent. For purposes of calculating the 60 percent of a structure's street-facing facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.
 - b. Transparent areas of facades shall be designed and maintained to provide views into and out of the structure. Except for institutional uses, no permanent signage, window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items shall completely block views into and out of the structure between 4 feet and 7 feet above adjacent grade. The installation of temporary signs or displays that completely block views may be allowed if such temporary sign complies with subsection 23.55.012.B.
3. Depth provisions for new structures or new additions to existing structures. Non-residential uses shall extend an average depth of at least 30 feet and a minimum depth of 15 feet from the street-level street-facing facade. If the combination of the requirements of Sections [23.47A.005](#) or [23.47A.008](#) and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to non-residential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be non-residential.
4. Height provisions for new structures or new additions to existing structures. Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.

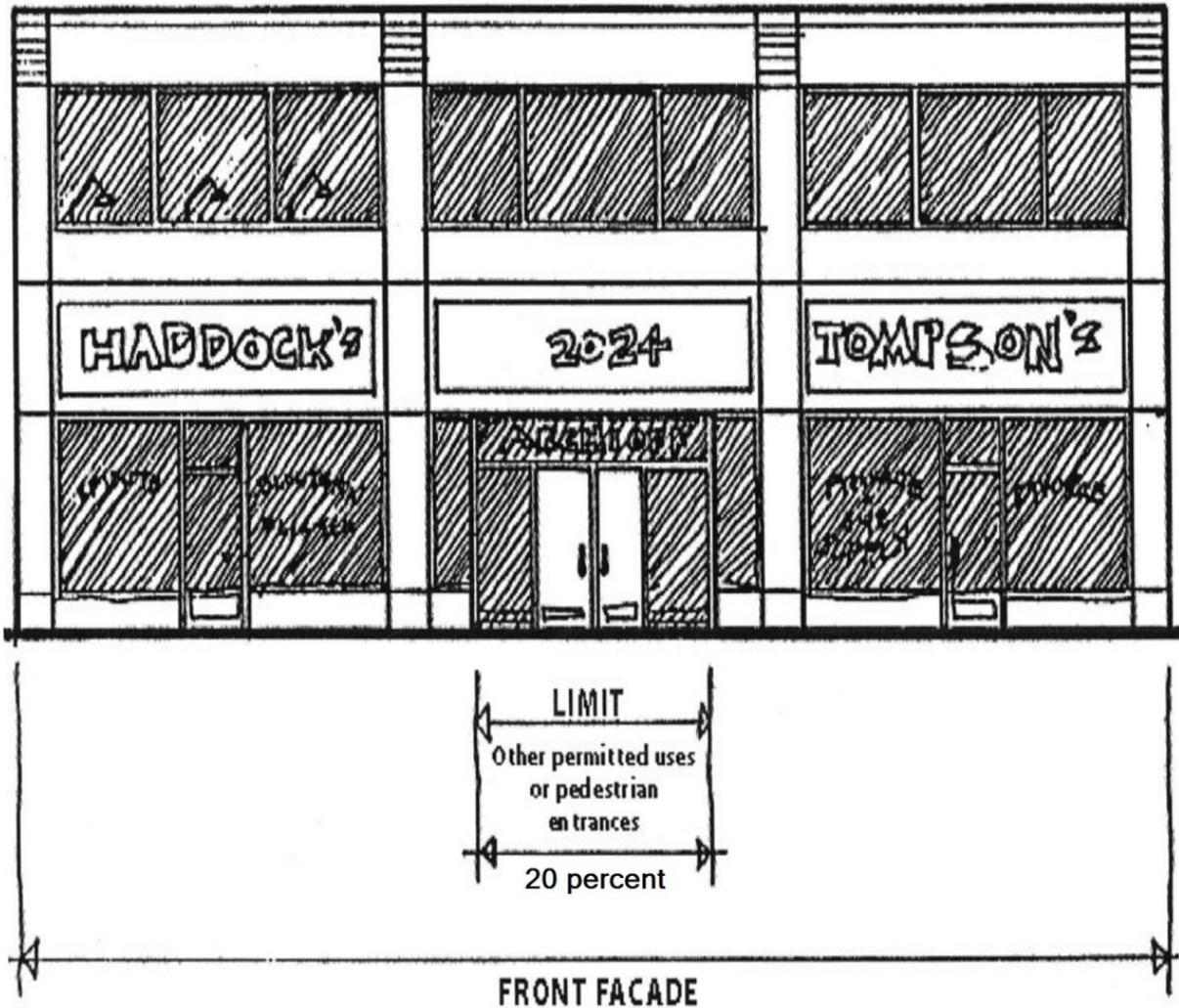
C. In addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, the following standards also apply in pedestrian designated zones:

1. A minimum of 80 percent of the width of a structure's street-level street-facing facade that faces a principal pedestrian street shall be occupied by uses listed in subsection 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit A for [23.47A.008](#)).

Exhibit A for [23.47A.008](#)

Uses and pedestrian access allowed along street-level, street-facing facades

Exhibit A for 23.47A.008
 Uses and pedestrian access allowed along
 street-level, street facing facades



2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the

Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1. \

4. Overhead weather protection

- a. Continuous overhead weather protection (i.e., canopies, awnings, marquees, and arcades) is required along at least 60 percent of the street frontage of a structure on a principal pedestrian street, except for structures within the Pike/Pine Conservation Overlay District on lots that contain a character structure as provided in [Chapter 23.73](#).
- b. The covered area shall have a minimum width of 6 feet, unless there is a conflict with existing or proposed street trees or utility poles, in which case the width may be adjusted to accommodate such features as provided in subsection 23.47A.008.C.4.f.
- c. The overhead weather protection must be provided over the sidewalk, or over a walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the sidewalk, the covered walking area must be at the same grade or within 18 inches of sidewalk grade and meet Washington state requirements for barrier-free access.
- d. The lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of 12 feet above the sidewalk for projections extending a maximum of 6 feet. For projections extending more than 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet and a maximum of 15 feet above the sidewalk.
- e. Adequate lighting for pedestrians shall be provided. The lighting may be located on the facade of the building or on the overhead weather protection.
- f. Where the standards listed in this subsection 23.47A.008.C.4 conflict with the vertical and horizontal clearance requirements in the street rights-of-way, the standards may be modified by the Director in consultation with the Director of Transportation.

D. Where residential uses are located along a street-level street-facing facade the following requirements apply unless exempted by subsection 23.47A.008.G:

1. At least one of the street-level street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and
2. The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

E. When a live-work unit is located on a street-level street-facing facade, the provisions of subsections 23.47A.008.A and 23.47A.008.B, and the following requirements, apply:

1. The portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit. The non-residential portions of the unit shall extend the width of the street-level street-facing facade, shall extend a minimum depth of 15 feet from the street-level street-facing facade, and shall not contain any of the primary features of the residential (live) portion of the live-work unit, such as kitchen, bathroom, sleeping, or laundry facilities. These basic residential features shall be designed and arranged to be separate from the work portion of the live-work unit.
2. Each live-work unit must include an exterior sign with the name of the business associated with the live-work unit. Such signage shall be clearly associated with the unit and visible to pedestrians outside of the building.
3. The owner of each live-work unit must keep a copy of the current business license associated with the business located in that unit on file.

F. The Director may allow exceptions to the street-level requirements of this [Section 23.47A.008](#), as a Type I decision, for projects that are not subject to the Design Review process, except that in a pedestrian-designated zone exceptions may not be granted for requirements for residential uses at street level, transparency requirements, or floor-to-floor height requirements as described in subsection 23.41.012.B. Exceptions may be granted if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. maintain pedestrian access to the structure;
2. maintain urban form consistent with adjacent structures and previous design review decisions on the site;
3. maintain the visibility of non-residential uses;
4. maintain the privacy of residential uses; or
5. allow the continued use of an existing structure without substantial renovation.

G. In a structure existing on January 1, 2012, an accessory dwelling unit may be established if it is accessory to an existing dwelling unit and if it meets minimum housing standards of [Chapter 22.206](#), even if nonconforming to standards of subsection 23.47A.008.D.

(Ord. [124770](#), § 5, 2015; Ord. [124378](#), § 40, 2013; Ord. [123939](#), § 12, 2012; Ord. [122935](#), § 5, 2009; Ord. [122311](#), § 44, 2006)

CITY OF AUBURN, WA

CHAPTER 18.29

DUC DOWNTOWN URBAN CENTER DISTRICT

Sections:

- [18.29.010](#) Intent.
- [18.29.020](#) Scope.
- [18.29.030](#) Process.
- [18.29.040](#) Definitions.
- [18.29.050](#) Use limitations.
- [18.29.053](#) Uses/activities requiring an administrative use permit.
- [18.29.055](#) Uses/activities requiring a conditional use permit.
- [18.29.060](#) Development standards.
- [18.29.070](#) Design standards.

18.29.010 Intent.

The downtown urban center **zone** is intended to create a distinct and strong identity for downtown Auburn by establishing land **use** and design standards for review of development proposals within the core area of the city of Auburn's designated urban center, in order to implement the city of Auburn downtown plan and the goals, policies and objectives of the Auburn **comprehensive plan**. This **zone** is intended to produce a concentration and mixture of commercial, office, medical, retail, residential and civic **uses** within the downtown area; to encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents; to provide a development pattern that supports pedestrian movement, bicycles and **use** of public transit; and to provide opportunities to increase the city's tax base, thereby helping to fund public improvements and public services. (Ord. 6071 § 6 (Exh. A), 2007.)

18.29.050 Use limitations.

Hereafter, all **buildings, structures** or properties **may** be **used** for any **use**, unless specifically prohibited herein. Ground floor retail, restaurants and/or office **use** is required for all **building** frontages facing **Main Street**. All **uses** shall be subject to review and approval by the director. The following **uses** are prohibited:

A. Sexually oriented businesses as defined in Chapter [18.74](#) ACC.

B. Taverns.

C. All industrial **uses** as defined in the North American Industrial Classification System (1997 Edition), categories 48 – 49 (transportation), 31 – 33 (manufacturing) and 42 (wholesale).

D. Outdoor storage of materials and equipment (except during active construction projects).

E. New automobile maintenance and repair businesses.

F. Work release facilities; **secure community transition facilities**.

G. Wrecking **yards**.

H. Solid waste transfer stations.

I. Car washes.

J. New gasoline stations.

K. Street-level ministorage.

L. Outdoor sales of vehicles, boats or equipment.

M. Drive-in/drive-through facilities with direct vehicular driveway access onto Main Street.

N. Other **uses** may be prohibited by the director if the **use** is determined to be inconsistent with the intent of this **zone** or is of the same general character of the other **prohibited uses** listed in this section. (Ord. 6071 § 6 (Exh. A), 2007.)

Chapter 21.60 CITY CENTER DISTRICT (CC) ZONE

Sections:

- 21.60.050 Overall purpose.**
- 21.60.075 Relationship to rest of title.**
- 21.60.100 Definitions.**
- 21.60.200 Zones established and described.**
- 21.60.300 Use limitations.**
- 21.60.400 Basic development standards.**
- 21.60.450 Transitional rules.**
- 21.60.475 Signs.**
- 21.60.500 Street types.**
- 21.60.600 Design review.**
- 21.60.700 Nonconforming structures, sites and uses.**
- 21.60.800 Maximum amount of development in city center.**

21.60.050 Overall purpose. 

- A. To create a distinct, strong identity for the city center, producing a heart for Lynnwood that is surrounded by solid neighborhoods.
- B. To provide opportunities to increase the city's tax base, thereby helping to fund public improvements and public services.
- C. To encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.
- D. To produce a concentration and a mixture of commercial, office, retail, residential, and civic uses within the city center.
- E. To develop a city center that supports pedestrian movement and use of public transit.
- F. To implement both the city's comprehensive plan and the city center subarea plan.
- G. To promote attractive streetscapes and urban green spaces. (Ord. 2554 § 1, 2005)

21.60.075 Relationship to rest of title. 

The regulations in this chapter, together with the applicable regulations in the rest of this title 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 title shall not apply in the city center:

1. Chapter [21.06](#) LMC;
2. Chapter [21.12](#) LMC;
3. Chapter [21.14](#) LMC. (Ord. 2937 § 4, 2012; Ord. 2554 § 2, 2005)

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 subarea 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. "Promenade Street" means the public pedestrian and vehicular way along 198th Street SW identified in the city center subarea plan bounded on the east by 40th Avenue West and 44th Avenue West 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 subarea 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. (Ord. 2937 § 5, 2012; Ord. 2554 § 3, 2005)

21.60.200 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 subarea 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. (Ord. 2937 § 6, 2012; Ord. 2554 § 4, 2005)

21.60.300 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 subsection (A)(10) of this section;
5. Auto-oriented uses, including:
 - a. Vehicle washing;
 - b. Drive-throughs, including drive-up windows and drive-up kiosks;
 - 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 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 one-half acre;
11. Self-service storage facilities (also known as mini-storage) consisting of more than 20 percent of the building's total gross floor area;
12. Marijuana and marijuana-infused products retail sales, processing or production;
13. Medical marijuana collective gardens;

14. Any other uses similar to those listed above or any other use determined by the community development director to be inconsistent with the intent of the city center zones as described in this chapter and the city center subarea plan. Appeals of the community development director's decision shall be processed as a Process II application (LMC [1.35.200](#)).

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

1. 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 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. (Ord. 3136 § 13, 2015; Ord. 2937 § 7, 2012; Ord. 2554 § 5, 2005)

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

a. 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 subsections, 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 (CC-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 nonhabitable, 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 set back from the street for the purpose of providing public plazas as a FAR bonus feature and as required by the city center design guidelines. The public plaza may exceed the minimum open space/public plaza size requirement provided in the design guidelines. Up to 30 percent of any building's street frontage per street may be set

back from the setback line to accommodate a public plaza. Open space/public plaza space may be combined at intersections.

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

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

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

2. Interior Side. None required.

3. Interior Rear. None required.

C. 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 21.60.1: Floor Area Ratio (FAR)

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

Notes:

- a. Floor area is measured to the inside face of exterior walls.
 - b. The following uses shall be excluded from floor area calculation:
 - Space underground (e.g., basements); space dedicated to parking;
 - Mechanical spaces;
 - Floor area devoted to rainwater collection;
 - Floor area devoted to gray water collection/storage/distribution;
 - Floor area devoted to waste recovery/separation;
 - Floor area devoted to 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 nonconforming development are located on a site, the maximum FAR for conforming and nonconforming development may be combined, but each shall be limited to their respective maximum FAR per Table 21.60.1. (For example, without bonus features, conforming development FAR maximum is 2.0; nonconforming FAR maximum is 0.5. Conforming development on the site may have a maximum FAR of 2.0; nonconforming 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

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
LEED Silver or similar certification elements	Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.	10 percent increase in total floor area for meeting LEED Silver certification standards (or similar) or

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
		above.
LEED Gold or similar certification elements	Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.	25 percent increase in total floor area for meeting LEED Gold certification standards (or similar) or above.
LEED Platinum or similar certification elements	Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.	40 percent increase in total floor area for meeting LEED Platinum certification standards (or similar) or above.
Office use above the ground floor		2 sq. ft. of floor area for each sq. ft. of office use above the ground floor.
Parking, underground		2 sq. ft. of floor area for each sq. ft. of parking below grade.
Parking, structured		1 sq. ft. of floor area for each sq. ft. of structured parking above grade.
Public plaza	Provision of public plaza in excess of the requirement identified in the city center design guidelines.	5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the city center design guidelines.
Promenade Walkway (along public right-of-	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	5 sq. ft. of floor area for each sq. ft. of Promenade.

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
way)	private property to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	
Promenade Walkway (bisecting large blocks)	Promenade Walkway providing a connection through a large block not adjacent to or in the public right-of-way. However, up to 5 percent of the project's Promenade Walkway (bisecting large blocks) can be adjacent to or within the public right-of-way and still receive 20 sq. ft. of floor area bonus. (Access easement dedication to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	20 sq. ft. of floor area for each sq. ft. of Promenade.
Residential use (single purpose building)	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	2 sq. ft. of floor area for each sq. ft. of residential use.
Residential use in vertically mixed use building	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed use.
Street level retail	See definition (LMC 21.60.100(L)).	200 sq. ft. of floor area for each linear foot of retail frontage.
Donation to public park fund	See definition (LMC 21.60.100(B)).	20 sq. ft. per \$100.00 contributed to public park fund.

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

b. If a business, activity or feature that supported a FAR bonus under this section is terminated, that use shall either be replaced by another use or feature of the same type (as listed in Table 21.60.2) or by another use that qualifies for an equal (or greater) FAR bonus. Alternatively and only in the case of a bonus use terminating, the property owner may request approval of a substitute method to qualify for the FAR bonus. Such substitution shall be subject to the approval of the 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

Use Type	Minimum	Maximum
Retail, personal services and offices serving customers on site	3 stalls/1,000 gross floor area (gfa)	4 stalls/1,000 gfa
Offices, not serving customers on site	2 stalls/1,000 gfa	4 stalls/1,000 gfa
Residential	0.5 stalls per unit	3 stalls per unit
Senior housing	0.25 stalls per unit	1 stall per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
Hotels, motels or other overnight accommodations	1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel	1.5 stalls per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel
Institutional uses	20 percent less than required in Table 21.18.03	Same as required in Table 21.18.03

Table 21.60.3: Required Off-Street Parking

Use Type	Minimum	Maximum
Places of assembly	20 percent less than required in Table 21.18.06	Same as required in Table 21.18.06
Entertainment/recreational activities	20 percent less than required in Table 21.18.07	Same as required in Table 21.18.07
Other uses	20 percent less than required in Table 21.18.11	Same as required in Table 21.18.11

Notes:

1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number of stalls by 40 percent.
3. Parking may be located off site, so long as it is within 1,000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.
4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and signed carpool/vanpool space. All developments with more than 100 parking spaces shall provide a minimum of two dedicated and signed carpool/vanpool spaces.
5. The 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 nonresidential developments providing 20 or more parking stalls shall be required to provide at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or bicycle racks/stands.

2. Bicycle stalls shall be located either inside of a building or outside within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or to a structure. It is not necessary for all on-site bicycle stalls to be located in one central location. Bicycle stalls may be located within vehicular parking areas.

3. One indoor bicycle stall shall be provided for every four dwelling units in multifamily residential uses, with the exception of senior housing, unless individual garages are provided for every unit.

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. (Ord. 2937 § 8, 2012; Ord. 2554 § 6, 2005)

21.60.450 Transitional rules.

In the portion of the city center – core district (CC-C) that is north of 194th St. SW, development of any property that adjoins a property zoned to a single-family residential zone shall comply with the transitional buffer regulations in LMC [21.46.220](#). The minimum building setback from a single-family residential property shall be 25 feet. (Ord. 2554 § 7, 2005)

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 Chapter [21.16](#) LMC, 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 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. Nonconforming signs shall be governed by LMC [21.16.250](#), except that the structure, frame or support of an existing nonconforming 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. (Ord. 2937 § 9, 2012)

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: Street Standards.

Table 21.60.4: Street Standards

Design Standards	Boulevard	Collector Arterial	Grid Street	Promenade Street
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Table 21.60.4: Street Standards

Design Standards	Boulevard	Collector Arterial	Grid Street	Promenade Street
Streets	44th Ave. W., 200th St. S.W./AMB, 196th St. S.W., 36th Ave. W.	194th St. S.W., 40th Ave. W.	42nd Ave. W.	198th St. S.W. (see definition for Promenade Street)
Right-of-way width	200th: 5 lanes: 99 feet 200th: 6 lanes: 110 feet 200th: 7 lanes: 121 feet 196th: 7 lanes: 111 feet 44th: 7 lanes: 111 feet 44th: 8 lanes: 122 feet 36th: 6 lanes: 97 feet 36th: 5 lanes: 85 feet	194th: 2 lanes with on-street parking: 73 feet 40th: 3 lanes without on-street parking: 76 feet	2 lanes with on-street parking: 77 feet	2 lanes with on-street parking: 73 feet
Parking lane	No parking	194th St. S.W.: Both sides, 8 feet wide 40th Ave. W.: No parking	Both sides; 8 feet wide	Both sides; 7 feet wide
Sidewalks	Both sides, 12 feet wide, including 5-foot-wide zone for tree wells along the curb (plus 6" curb)	Both sides, 194th St. S.W.: 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-	Both sides, 16 feet wide, including 5-foot-wide zone for tree wells along the curb (plus 6" curb)	Both sides, 16 feet wide, including 5-foot-wide zone for tree wells along the curb (plus 6" curb)

Table 21.60.4: Street Standards

Design Standards	Boulevard	Collector Arterial	Grid Street	Promenade Street
		wide zone for tree wells along the curb (plus 6" curb)		
Curb and gutter	Both sides; 6" raised	Both sides; 6" raised	Both sides; 6" raised	Both sides; 6" raised (or rolled with decorative bollards for pedestrian safety)
Travel lanes and turning lanes (maximum #)	5 – 8	194th St. S.W.: 2 40th Ave. W.: 3	2	2
Travel lane width	11 – 12 feet	11 feet	14 feet	13 feet
Bicycle travel lane	44th Ave. W., 196th St. S.W., and 36th Ave. W.: No bicycle travel lane 200th St. S.W.: 5-foot on-street bicycle lanes (both sides)	5-foot on-street bicycle lanes (both sides)	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section	No separate on-street bike lane. Incorporate sharrows in traffic lane of street section
Intersection curb	35-foot radius with no curb bulb extension along boulevard	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension	35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension
Raised landscape median (width)	6 feet in left turn pocket areas; 18 feet at all other areas	None	None	None

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 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](#)).

(Ord. 2937 § 10, 2012; Ord. 2554 § 8, 2005)

21.60.600 Design review. 

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

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
3. Construction of any multiple-family residential structure.

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

C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines in the Lynnwood city center design guidelines. If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

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

1. Demonstrate consistency and compatibility with the planned location and design of streets, as shown in the street protection ordinance, as amended. Where any locations and designs in this subsection (D)(1) conflict with the city center subarea plan, such locations and designs shall supersede the conflicting provisions of the city center subarea plan. (Ord. 2937 § 11, 2012; Ord. 2908 § 1, 2011; Ord. 2885 § 2, 2011; Ord. 2625 § 3, 2006; Ord. 2554 § 9, 2005)

21.60.700 Nonconforming structures, sites and uses. 

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

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

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

C. Nonconforming Buildings. Throughout the city center, there are many buildings and other structures existing at the adoption of the ordinance codified in this chapter that do not comply with the building standards and guidelines in this chapter. In keeping with the general principle that changes to

nonconforming conditions should not increase the degree of the nonconformity, but rather move the site and its uses and buildings towards greater conformity, the following shall apply:

1. Exterior renovation of buildings and structures shall not increase the degree of nonconformance.
2. All expansion of building footprints or increases in building height shall incorporate standards that bring the building more into compliance with the requirements of this chapter and the city center design guidelines regardless of whether or not the expansion is subject to the design review process requirement per LMC [21.60.600](#).
3. When practicable, as determined by the community development director, the expansion of building footprints shall locate towards the property line of the future street right-of-way as described in Table 21.60.4. Appeals of the community development director's decision shall be processed as a Process II application (LMC [1.35.200](#)).
4. Compliance with standards shall be localized to the area of the building being altered. Particular emphasis shall be given to the provision of pedestrian amenities oriented towards the street. For example, if a building is expanded towards the street, elements such as building design features and transparency, parking lot landscaping and pedestrian connections to the sidewalk are expected to be accomplished.
5. For buildings that are demolished, the replacement structure shall be considered new development.

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

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. 2937 § 13, 2012; Ord. 2554 § 11, 2005)