

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde – Planning Director

(360) 354-5532



Community Development Committee Meeting Agenda

City Hall - 300 Fourth Street

4:00 PM May 18, 2022

Roll Call

Approval of Minutes

- [1.](#) Minutes of the 4/20/22 Community Development Committee Meeting

Discussion Items

- [2.](#) Mixed-Use Code Amendment Joint Workshop with Planning Commission
3. Possible Rescheduling of the June CDC Meeting

Next Meeting: June 22, 2022

CITY OF LYNDEN

PLANNING DEPARTMENT
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COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM April 20, 2022
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council: Gary Bode, Brent Lenssen, Kyle Strengtholt

Staff: John Williams, Heidi Gudde, Korene Samec, Dave Timmer

Guests: Gary Vis- Chamber of Commerce

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 2/23/22 approved as presented.

3. DISCUSSION ITEMS

a. Establishing City Policy on Third-Party Review of Building Permits

Gudde introduced a draft ordinance amending LMC 15 that is intended to create a base policy for the Building Division to outsource building permit review. Outsourcing could occur due to the complexity of the permit or to assist in handling workload. The instances when this would be used would be limited. One example of it being used in the past was the addition of the Darigold drying tower – which was a complex industrial permit. The policy allows for the collection of a deposit from the applicant to cover the costs of the 3rd party review.

A follow up resolution will lay out the fee schedule for 3rd party review.

The Committee had questions related to the current workload of the Building Division and also how the policy and fees would be communicated to applicants ahead of permit submittal.

Complex permits typically go through a pre-application review which gives the Building Official the opportunity to let them know that a 3rd party review would be required.

If the policy was used due to a heavy workload the City would take steps to let applicants know that an alternate fee structure may be used – or could give applicants an option to expedite permit using the 3rd party reviewer and paying the associated fees. Gudde did not foresee the policy being used solely due to workload but, as written, the option would

exist which give the Building Division flexibility to outsource the work if needed.

Workload for the Building Division is very high right now. This is partly due to an increased number of building permits but a significant factor is the complexity of the permits coming in and the number of errors that staff is finding on the permits submitted. Building Division, with assistance from Planning staff, will be creating a checklist and more instructional documents for applicant so that permits can be screened more closely before being officially submitted. This is meant to cut down on review of incomplete permits – which slows down the review process for all applicants.

Conclusions: Staff will be working with legal counsel to create a final ordinance establishing the policy and amending code. A resolution will also be done related to fees (this could be included in the City budget process).

b. Mixed-Use Zoning Code Amendment – Draft Code Language

Staff introduced a draft of proposed code changes. The code amendment represents a combination of changes that staff was working on simultaneously. One primarily relates to housekeeping, corrections, and minor adjustment. The other amendment is a significant change to the City's mixed-use code. All changes were summarized in a bulleted list that was included in the meeting packet. The group reviewed this list and briefly discussed. Some points of interest included:

- Addition of development standard which would require multi-family developments of 8 or more units to provide common open space that included some type of residential amenity such as a playground or picnic area. The draft proposed 60 square feet common open space per residential unit.
- Revision to Manufactured Home Community Standards to allow for greater densities - as an avenue for affordable housing within the City.
- Revision to residential design standards to remove a minimum roof pitch. Rather than removing the requirement a minimum roof pitch of 2:12 was suggested.
- Mixed-Use Code revisions. Discussion as to if mixed-use centers and associated residential development is appropriate west of the Guide Meridian corridor. Discussed potential buffer options between

residential and industrial properties as the call for commercial use, what has traditionally been the transitional zoning category, declines.

- Design standards for the City of Lynden and the HBD discussed. This has traditionally been geared toward a European / Dutch aesthetic that is somewhat ambiguous. The committee discussed the aesthetic in light of existing architecture – including multiple windmills within the City. Also discussed updates to other buildings throughout the City that had been done well but not obviously a Dutch (or a caricature) of old world Dutch architecture. An update to the design guidelines may be warranted but appear to be part of a larger discussion rather than this housekeeping update.
- Amendments to the parking code discussed. The Committee discussed the effects of rental properties charging additional rent for parking stalls. The group discussed the possibilities of the City requiring lease of housing to include parking. Group consensus was that this would be extremely difficult to monitor and enforce. Private entities or the Parks Department that are negatively affected by residential parking situations would need to enforce parking regulations including towing vehicles if needed.

The group discussed a joint workshop with Planning Commission at the next CDC meeting to discuss changes to the mixed-use code. The Planning Commission expressed interest in talking about code changes with the CDC. The Committee confirmed that they would like to do this at the next meeting.

Conclusions: Staff to send out the proposed map to CDC re qualifying areas adjacent to Safeway qualifying center to review how the proposed mixed-use code may affect areas slated for regional commercial use and industrial uses west of the Guide Meridian. Staff to remove changes to the design theme indicated in 19.45 LMC. Reserve changes related the Dutch-themed architecture for a later date. Staff to schedule a joint workshop with interested Planning Commissioners for the May 18th CDC meeting.

Next Meeting Date: May 18, 2022
Joint Workshop with the Planning Commission.

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	May 18, 2022	
Name of Agenda Item:	Mixed-Use Code Amendment	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input checked="" type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Redlines of sections of LMC 19, Proposed revision to West Lynden Sub-area boundaries		
Summary Statement:		
<p>The Community Development Committee (CDC) and the Planning Commission have provided some initial input as to the revision to the City's mixed-use code. Some members of the Planning Commission will be joining the May 18th CDC meeting to continue this review in a joint meeting.</p> <p>The attached draft redlines of the sections of code pertaining to the addition of a Mixed-Use Centers Overlay represents a draft of the code to date. A proposed revision to the west Lynden sub-areas is also included. This stems from a discussion had at the April CDC meeting related to the need to reduce conflict between residential and industrial uses and the desire to preserve commerce opportunities for large scale commercial and industrial operations. This redrawing of sub-area boundaries aims to provide a designated location in an area that would reduce potential conflict between industrial and residential uses. This commerce sub-area would not be eligible for mixed-use provisions.</p> <p>Discussion at the May 18th CDC meeting will include any topics related to the mixed-use code revision but staff is keenly interested in feedback on a couple of topics. This includes:</p> <ol style="list-style-type: none"> 1. Required open space within mixed-use centers. See LMC 19.23.110(G) on page 31 of the attached. 2. Potential for residential use on small scale CSL properties that do not qualify for mixed-use provisions. See LMC 19.23.110(C) on page 29 of the attached. 3. Storage as a permitted use on CSL properties and within mixed-use projects. See LMC 19.23.020 on page 13 of the attached. <p>Feedback from this joint meeting will be used to create the final draft of the mixed-use code with the intent of soliciting public feedback on the draft and holding a public hearing on the revision in August with the Planning Commission and with Council in October or November after the Department of Commerce comment period has expired. This code amendment will travel through the approval process with a corresponding Comprehensive Plan Amendment and Rezone application.</p>		
Recommended Action:		
Review and provide feedback.		

The Following Sections have been included in a proposed Code Amendment Related to the
Mixed-Use Centers

LMC 19.11 Districts Established

LMC 19.17 Multi-Family Building Zones

LMC 19.23 Commercial Zoning

19.11.020 Zones designated—Essential use, maximum coverage, and density.

There are established the classifications of the essential land uses for all residential, business and industrial zones to be known by the zone symbols shown as follows:

Zone Symbol	Essential Use	Maximum Percent Coverage	Maximum Percent Impervious Coverage	Maximum Development Density
A-1	Agricultural	0.10		1 D.U./20 Acres
RS-100	Single Family Dwellings	0.35	0.60	4 D.U./Acre
RS-84	Single Family Dwellings	0.35	0.60	4.5 D.U./Acre
RS-72	Single Family Dwellings	0.35	0.60	5.0 D.U./Acre
RMD	Residential Mixed Density	0.35	0.80	8.0 D.U./Acre
MH	Mobile and Modular Home	0.40	0.80	8.0 D.U./Acre
TR	Travel/Recreational Vehicle	0.65		
RM-1	Single Family and two Family Dwellings/bldg.	0.35	0.70	8.0 D.U./Acre
RM-2	Up to 4 Dwellings/bldg.	0.40	0.70	12 D.U./Acre
RM-3	Multiple Dwellings	0.40	0.75	16 D.U./Acre
RM-4	Multiple Dwellings	0.45	0.75	24-20 D.U./Acre
RM-PC	Detached Single Family Dwellings	0.35	See Open Space Requirements	12 D.U./Acre
	Attached Single Family Attached	0.50		
	Multi-family Dwellings	0.40		
SO	Senior Housing Overlay in the Pepin Creek Subarea	0.40—0.50	See Open Space Requirements	30 D.U./Acre
HBD	Historic Business District	0.80		

Commented [HG1]: Delete as this overlay was not adopted within the Pepin Creek Sub-Area

CN <u>Overlay</u>	Commercial Neighborhood Overlay in the Pepin Creek Subarea	N/A		
CSL	Local Commercial Services	N/A		
CSR	Regional Commercial Services	N/A		
<u>MU Overlay</u>	<u>Mixed-Use Centers Overlay</u>		<u>See Open Space Requirements</u>	<u>28 D.U. Acre</u>
ID	Industrial District	N/A		
IBZ	Industrial Business Zone	N/A		
PU	Public Use	N/A		

D.U. = Dwelling Unit

(Ord. 1000 § A(part), 1995).

(Ord. No. 1390, § D, 2-22-2011; Ord. No. 1547, § 4, 12-4-2017; Ord. No. 1574, § C, 3-4-2019)

Chapter 19.17 RM MULTIFAMILY BUILDING ZONES¹

19.17.010 Purpose and zones established.

The goal is to allow flexibility in site and design standards while promoting infill projects compatible with existing multi-family developments.

~~Six~~ Five multi-family zones are established:

RM-1, Residential Multi-Family 1 zone; (up to 2 units/building)

RM-2, Residential Multi-Family 2 zone; (up to 4 units/building)

RM-3, Residential Multi-Family 3 zone; (up to 12 units/building)

RM-4, Residential Multi-Family 4 zone; (up to ~~50~~ 20 units/building)

RM-PC, Residential Multi-Family Pepin Creek zone; (up to 4 units/building and sometimes up to 8 units/building)

~~SO, Senior Overlay zone; (up to 30 units/acre)~~

Commented [HG2]: Reduce units per building in RM-4 and allow in MU Centers Overlay

¹Editor's note(s)—Ord. No. 1581, § A, adopted June 3, 2019, repealed Ch. 19.17., §§ 19.17.010—19.17.110, and enacted a new Ch. 19.15 as set out herein. The former Ch. 19.17 pertained to similar subject matter. Please refer to the Code Comparative Table for full derivation.

A. Use of Low Impact Development Techniques. When an application for multi-family development seeks to add additional residential density to a parcel or parcels as infill development, the pertinent approving body, the planning director, planning commission, or city council, is authorized to approve future land divisions even though they may not meet the lot size requirements of multi-family zones presented in this Title under the following conditions:

1. Site planning incorporates LID components that minimize impervious surfaces and achieves a more restrictive percent maximum coverage than would the larger lot size;
2. Site planning and design documents are completed by a licensed civil engineer in the State of Washington;
3. The proposed development integrates with the character of the neighborhood;
4. The requested waiver must be specified and justified in writing to the technical review committee and the approving body;
5. Written documentation of the decision on the waiver is recorded by the director in city records.

(Ord. No. 1581, § B, 6-3-2019)

19.17.020 Primary permitted uses.

The primary land uses permitted in the multi-family zones are residential buildings as shown in the table below:

	ZONE				
	RM-1	RM-2	RM-3	RM-4	RM-PC
Single Family Dwelling Unit	P	P	P	P	<u>P</u>
Duplex Units	P	P	P	P	<u>P</u>
Three or Four units per building	N	P	P	P	<u>P</u>
More than four units per building	N	N	P	P	<u>P(1)</u>
New manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code	P	P	P	P	<u>P</u>
Mobile homes as defined in Section 17.01.030 LMC	N	N	N	N	<u>N</u>

P = Permitted Use; N = Not Allowed

(1) Buildings with more than four units are permitted within the RM-PC zone in certain situations. Refer to LMC 19.18.030 for details.

(Ord. No. 1581, § B, 6-3-2019)

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19.17.030 Accessory permitted uses.

Accessory permitted uses in the Multi - Family Zones are as follows:

- A. Private Garages.
- B. Carports.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.
- E. Accessory dwelling unit (ADU), per LMC 19.20.,
- F. Recreation areas for occupants.
- G. Mixed uses may be allowed in RM 4 if the use is for the benefit of the occupants only. Such uses include food service or dining room, nursing services, and laundry facilities.

(Ord. No. 1581, § B, 6-3-2019)

19.17.040 Secondary permitted uses.

Secondary permitted uses in the multi family zones are as follows:

- A. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes.
- B. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises.
- C. Home occupations. See Chapter 19.57.
- D. Gardening and fruit growing not for commercial sale.
- E. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five acres or more in size and meets the requirements outlined in Section 19.39 of this code.
- F. Family day care centers for up to eight individuals, not including the residents of the dwelling unit.
- G. Parks and playgrounds.
- H. Adult family homes and residential care facilities, up to ~~six~~eight adults, when approved by the Washington State Department of Social and Health Services (DSHS).

(Ord. No. 1581, § B, 6-3-2019)

19.17.050 Conditional property uses.

The following property uses may be permitted in multi-family zones by conditional use permit when recommended by the planning commission and approved by the city council.

- A. Public buildings and utility sub-stations.
- B. Club facilities that are directly related to home development such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.
- C. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process.
- D. Nursing home and assisted living facilities as defined in RCW 74.39A.009.
- E. Bed and breakfast establishments and short term rentals (See Section 19.49.030).
- F. House of worship, provided that the lot coverage does not exceed thirty-five percent, the front yard is landscaped and all other parking and landscaping requirements are met.
- G. Schools.
- H. Community service facilities operated by a registered non-profit organization providing services to the community such as food banks, outpatient counseling services, and church related or outreach ministries. This use is subject to the following conditions in addition to the conditional use criteria established under Section 19.49.020.
 - 1. The use is limited to the RM-4 zones.
 - 2. This use specifically excludes retail sales and any facilities offering in-patient treatment, inpatient counseling, or inpatient rehabilitation.
 - 3. The maximum lot coverage for the proposed facility shall not exceed thirty percent.
 - 4. All parking and landscaping requirements shall be met.

(Ord. No. 1581, § B, 6-3-2019)

19.17.060 Height, area, setback and bulk requirements.

A. The following table provides regulations for height, area, setback and bulk requirements:

Zone	Min. Lot Size	Lot Coverage	Open Space Required	Height	Minimum Yard Setbacks in Feet
					Side Yard

	(sq. ft.)							
				Feet	Front Any Building Front or Side Elevation oriented toward Primary Street Frontage	Building Rear Elevation	Minimum Building Side Elevations not oriented toward Primary Street Frontage	Total of Building Side Elevations not oriented toward Primary Street Frontage
RM-1	7,200	35%	7.5%	32	20	30	7	22
RM-2	7,200	40%	7.5%	32	20	30	7	22
RM-3	7,200	40%	7.5%	32	20	30	12	27
RM-4	1 Acre	45%	7.5%	32	20	30	15	32

B. The following table provides regulation regarding the maximum density allowable in each zone:

Zone	Square Feet Required for First Unit	Square Feet Required for Additional Units	Maximum Units/Bldg.
RM-1	6,000	2,000	2
RM-2	6,000	2,000	4
RM-3	6,000	2,500	12
RM-4	6,000	1,650 for units 2—24 1,400 for each additional unit	50-20

- C. For the purposes of this chapter open space is as defined in Section 19.29.080(3) of the Lynden Municipal Code.
- D. Lot coverage may be increased by one percent for each ten percent of the required off-street parking that is located beneath portions of the multiple-family dwelling units which are intended to be occupied by residents or used as hallways or meeting rooms.

(Ord. No. 1581, § B, 6-3-2019)

19.17.070 Required Residential Amenities

- A. Multi-family residential developments that include 8 or more units must provide shared on-site residential amenities.
- B. Shared community areas must include amenities that provide outdoor recreational / leisure spaces such as playgrounds, picnic or patio areas, sports courts, off-leash dog areas, or similar. These community open spaces will be reviewed and approved through Design Review Board approval process. The Board will review for the following criteria:
 - 1. Size of the area must be 60 square feet per unit.
 - 2. The area is safe in that it is visible, protected from vehicular traffic, and illuminated as needed for its intended use.
 - 3. The area is easily accessible via pedestrian walkways to all residents living within the development.
 - 4. The area is supplied with amenities such as permanent site furniture, shade structures, pavilions, and / or playground equipment so as to serve its purpose of providing recreational or leisure opportunities.
 - 5. The area is attractively landscaped.
 - 6. Proposed structures are consistent with the architecture.

19.17.100 Design review board

All multi-family developments will be subject to approval by the design review board.

(Ord. No. 1581, § B, 6-3-2019)

Chapter 19.23 COMMERCIAL ZONING²

19.23.010 Zones defined.

The following commercial zones are hereby established and defined:

1. Historic business district (HBD): The historic business district is the zone where the city's economic activity originated. This zone is intended to be an active mix of professional offices and residences, personal services and small retail establishments serving the employees and residents of the area. Emphasis on the city's cultural history is anchored by the Pioneer Museum and the Windmill Hotel. Storefronts and streetscapes shall encourage pedestrian activity.
2. Local commercial services (CSL): The purpose of the CSL zone is to provide a location for local scale retail development (stores less than sixty-five thousand square feet), medical, professional and financial services. Development within this zone should focus on pedestrian connectivity to the surrounding area. ~~and mixed-use Residential development is strongly encouraged~~ in CSL areas that qualify for the Mixed-Use Centers Overlay. This zone, together with the historic business district, provides the primary location for civic and social activities within the community.
3. Regional commercial services (CSR): The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area. Residential development is permitted in CSR areas that qualify for the Mixed-Use Centers Overlay.
4. Mixed-Use Centers (MUC) Overlay: The purpose of the MUC Overlay is to identify specific areas of the City where a mix of multi-family residential and compatible commercial use is appropriate. The overlay fosters a development pattern with direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses. It promotes a compact growth pattern that is scaled and designed to be

²Editor's note(s)—Ord. No. 1357, § A, adopted June 1, 2009, repealed and replaced the former Ch. 19.23, §§ 19.23.010—19.23.100, and enacted a new Ch. 19.23 as set out herein. The former Ch. 19.23 pertained to CS commercial service zones and derived from Ord. 1000 § A(part), 1995; Ord. 1026 § A(part), 1996; Ord. 1036 § A, 1997; Ord. 1051 § A(part), 1997; Ord. 1081 §§ A—C, 1999; Ord. 1112 § B, 2001; Ord. 1129 § A(part), 2002; Ord. 1293 § B, 2007; Ord. 1309 § A, 2007; Ord. No. 1349 § A, adopted Jan. 20, 2009.

compatible with surrounding land uses and provides sensitive transitions between different land uses.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.020 Permitted uses.

The following table shows the uses permitted in each of the zoning areas. Any use that is not listed below is not a permitted use unless it is determined to be comparable to a permitted use by the planning director based on the applicant's statement of use. The applicant shall bear the burden of proof to show how the use is comparable to a listed use.

In the table below, uses are notated as follows: P = Permitted Use; PA = Permitted as an accessory use; N = Not permitted; C = Permitted as a conditional use.

Land Use	HBD	CSL	CSR	<u>MUC Overlay (1)</u>
Adult entertainment uses	N	C(4)	N	<u>N</u>
Agricultural product and/or equipment parts sales	N	C	P	<u>N</u>
Animal auction barn	N	N	N	<u>N</u>
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	N	C	C	<u>N</u>
Auction facilities for other goods	N	P	P	<u>N</u>
Automotive support services such as auto repair, auto body painting and repair, window repair and replacement	N	C	P	<u>N</u>
Banks and financial institutions <u>with drive-thrus</u>	P	P	P	<u>N</u>
<u>Banks and financial institutions without drive-thrus</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Barber shops, beauty salons</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Bed and breakfast, <u>short term rentals</u>	P	P	N	<u>N</u>
<u>Body piercing and tattoo studios</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Business Parks where at least 20% of the total GFA of the park is related to onsite retail, showroom, or office use.	N	N	P(<u>98</u>)	<u>N</u>
Business schools	P	P	P	<u>N</u>

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Car wash	N	P	P	<u>N</u>
<u>Carpet sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Clubs and lodges	P	P	N	<u>P</u>
Commercial recreation - indoor (includes bowling alleys, skating rinks)	P	P	P	<u>P</u>
Commercial sporting events	C(7)	N	C(7)	<u>N</u>
Construction material sales <u>with</u> <u>outdoor yards</u>	N	C	P	<u>N</u>
Contractors and construction services	N	C	P	<u>N</u>
Convention center, including banquet facilities and/or meeting halls	C	P	P	<u>N</u>
Day care facilities	P	P	PA	<u>P</u>
<u>Day spas</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Eating / drinking establishments</u> <u>without drive-thrus including</u> <u>restaurants, cafes, bars, taverns, tasting</u> <u>rooms and microbreweries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Eating / drinking establishments with</u> <u>drive-thrus including restaurants, cafes,</u> <u>and coffee shops</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P(10)</u>
Farm implement and machinery sales and service or large machinery rentals (over 500 lb.)	N	C	P	<u>N</u>
Fitness facilities	P	P	P	<u>P</u>
<u>Food trucks</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Fueling stations (may include convenience store)	N	P(2)	P(2)	<u>N</u>
Government agency offices or government facilities where at least 20% of the GFA is office-use related.	C	P	P	<u>N</u>
Grocery store, <u>food market</u>	P	P	P	<u>P</u>
Home furnishings stores, <u>flooring,</u> <u>lighting, -window showrooms</u>	P	P	P	<u>P</u>

Commented [HG5]: Added Flooring to Home furnishing

Commented [HG6]: Moved to Personal Services

Home improvement and hardware stores <u>with no outdoor yards</u>	P	P	P	<u>N</u>
Hospitals	N	N	N	<u>N</u>
Hotels, motels — includes indoor restaurants, gift shops and other businesses associated with a hotel or motel	P	P	P	<u>N</u>
House of Worship	N	P	P	<u>N</u>
Laundry and dry cleaning facilities	P	P	P	<u>P</u>
Landscape plants and landscape materials for retail sales	N	P	P	<u>N</u>
Liquefied petroleum storage station for more than 1,000 gallons, subject to International Fire Code standards	N	N	P	<u>N</u>
Liquor sales	P	P	P	<u>P</u>
Manufacture, fabrication, assembly, woodworking and metal working shops, where at least 20% of the GFA is related to on-site retail or office space. All uses subject to the performance standards of Chapter 19.25 of LMC	N	C(109)	P	<u>N</u>
Manufactured home parks	N	N	N	<u>N</u>
Marijuana related businesses including retail sales, production, processing, medical marijuana collective gardens, and medical marijuana cooperative	N	N	N	<u>N</u>
Martial arts or dance schools	P	P	P	
Medical and dental clinics (see Surgical Centers below)	P	P	P	
Medical services overlay	N	N	P	<u>N</u>
Mini storage facilities	P(6)	P	P	
Motor vehicle and recreational vehicle sales and service	N	C	P	<u>N</u>
Multi-family residences	P(5)	P(5), (8)	N P(5)	<u>P(5)</u>

Commented [HG7]: Added to Studios

Commented [HG8]: Moved to "Storage facilities". Definition needed in LMC 17

Non-retail communications services	P	P	P	<u>N</u>
Non-profit offices that include warehousing	C	C	P	<u>N</u>
<u>Offices – business and professional</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Offices – medical, dental, and physical therapy (see also Surgical centers)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
On-site hazardous waste treatment (no treatment allowed in HBD) and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in the zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.	<u>NPA</u>	PA	PA	<u>N</u>
<u>Personal services such as barber, salon, day spa, body piercing, tattoo studios</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Pet supply store and grooming (no boarding)	P	P	P	<u>P</u>
Pharmacy <u>with drive-thru</u>	<u>PN</u>	P	P	<u>N</u>
<u>Photography studio</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Postal / shipping services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P (no drive-thrus)</u>
Printing and duplicating shops	P	P	P	<u>P</u>
<u>Professional and business offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public use facilities	P	P	P	<u>P</u>
Research and development facilities	N	P	P	<u>N</u>
<u>Restaurant — with drive thru</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Restaurants and cafés</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Retail (general retail) not otherwise defined	P	P	P	<u>P</u>
Retail appliance and electronic equipment sales, including parts sales and repair	P	P	P	<u>N</u>

Commented [HG9]: Moved to Studios

Commented [HG10]: Moved to Offices – professional and business

Commented [HG11]: Moved to Eating / Drinking Establishments

Commented [HG12]: Moved to Eating / Drinking Establishments

Retail feed and seed stores	N	P	P	<u>N</u>
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	N	P	P	<u>N</u>
Retail shopping center or mall	P	P	P	
Retail stores greater than 65,000 square feet	N	N	P(1)	<u>N</u>
Sign design, fabrication, and installation companies	N	C	P	<u>N</u>
Single-family residences existing prior to 1992	N	P	N	<u>N</u>
Skilled nursing and assisted living facilities	N	P	N	<u>N</u>
<u>Storage facilities – Mini-storage</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Storage facilities – Large scale</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Studios for art, photography, dance, martial arts, or fitness classes.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Surgical centers	N	C	P	<u>N</u>
Theaters and movie theaters	P	P	P	<u>P</u>
Truck and trailer sales and service	N	C	P	<u>N</u>
Undertaking establishments	N	P	N P	<u>N</u>
Utility facilities	C	C	P	<u>N</u>
Video arcades	P(3)	P(3)	P(3)	<u>P(3)</u>
Warehousing, including open to the public	N P(6)	N	C	<u>N</u>
Wholesaling, including open to the public	N	N	C	<u>N</u>
<u>Temporary Uses: All temporary uses which occupy more than 200 sf must secure a Special Event Permit</u>	<u>HBD</u>	<u>CSL</u>	<u>CSR</u>	<u>MUC Overlay</u>

<u>Farmers markets or seasonal sales (produce or flower stands, landscape plants, pumpkins, Christmas trees)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor art and craft shows</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor sale of new or second-hand items (flea markets, antiques, swap meets, yard or garage sales)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

- (1) See Sections 19.23.080 and 19.23.090 for special conditions for large retail uses and all uses within the Mixed-Use Centers Overlay.
- (2) See Section 19.23.100, Special Conditions for Automobile Service Stations.
- (3) Any arcade with ten or more machines shall have an adult supervisor on the premises during all hours of operation and shall not be located within three hundred feet of a school, church or residence.
- (4) These uses may not be located within three hundred from Front Street, or two hundred feet from a residentially zoned area, or within two hundred feet from the fairgrounds, or five hundred feet from a church or school.
- (5) This use is permitted only as described in LMC 19.23.110. part of a mixed use development, where at least sixty percent of the ground floor area is a permitted commercial use. This is calculated based on the ground floor area of all the buildings on the site where there are multiple buildings proposed.
- (6) The use is permitted under the following conditions. These conditions may be varied through the receipt of a conditional use permit.
 - a. The use must take place in an existing building. The building may be modified for warehousing or mini-storage purposes, but construction of a new facility will require a conditional use permit. New construction must meet all Dutch/European design requirements for the CSL zone.
 - b. Primary access to these facilities may not be from Front Street or Grover Street, nor may a new facility front on either of these streets, and existing pedestrian access to Front Street, Grover Street, Riverview Road or 7th Street may not be closed.
 - c. Off-street loading and truck parking facilities must be available at the site and may not abut Front Street or Grover Street without a landscape buffer as required in Section 19.61.090.A. All off-street parking requirements must be met on site.

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- d. The site must meet the requirements of the engineering design and development standards and the Uniform Building Code and Uniform Fire Code.
- (7) Commercial sporting events are permitted in the CSR zone and conditionally permitted in the HBD zone and Mixed-Use Centers Overlay under the following conditions:
- a. The promoter/proprietor of the event must provide proof of insurance in an amount and form approved by the finance director.
 - b. Off-street parking is provided and monitored to ensure emergency access at all times;
 - c. Police and fire departments are notified at least thirty days in advance of the event to ensure adequate personnel coverage. Costs of scheduling additional personnel may be billed to the applicant.
 - d. No alcohol may be sold, distributed or consumed on site.
 - e. Mixed martial arts, boxing, wrestling or other "fight-type" events must meet the requirements of RCW 67.08.
- (8) ~~Multi-family development is permitted within the CSL zone under the following conditions:~~
- ~~a. This use is permitted only within the North Lynden Sub-Area;~~
 - ~~b. No residential development will be permitted at the intersections of arterial streets and/or state highways in the area determined by measuring two hundred feet along both front and side property lines and diagonally connecting the ends of the two lines.~~
 - ~~c. Minimum density: Eight units per acre.~~
 - ~~d. Maximum density: Twenty-four units per acre.~~
 - ~~e. Off-street parking: As required by Chapter 19.51 LMC.~~
 - ~~f. Height: As per Section 19.23.050.~~
 - ~~g. Setbacks: As per Section 19.17.060.A.~~
 - ~~h. Minimum lot size: Based on number of units and calculated under Section 19.17.060.B.~~
 - ~~i. Lot coverage and open space: As per Section 19.17.060.A.~~
- (9) Business parks are required to formalize a development agreement with the city council after receiving a recommendation from the planning commission which:
- a. Specifies a list of permitted, conditional, and prohibited uses with the business park.

- b. Outlines a parking and loading standards which anticipates the uses permitted.
- c. Creates standards for and screening of outdoor storage and refuse areas.
- d. Addresses unique signage requirements.
- e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.

(109) Manufacture, fabrication, assembly, woodworking and metal working shops locating within a CSL zoning category must acquire a conditional use permit if the subject property is located within three hundred feet of a residentially zoned property.

(10) Eating and drinking establishments on properties utilizing the provision of Mixed Use Overlay Centers must limit drive-thrus to one lane per establishment and orient drive-thrus in such a way as to not interfere with pedestrian connectivity within the site.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1477, § A, 2-17-2015; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.030 Accessory permitted uses.

Accessory uses permitted ~~in the HBD and CS zones~~ shall include such functions as repair and service relating to the essential uses, and are as follows:

- A. Operation of motors and other equipment relating to the function of the essential use;
- B. Food preparation and other material or service preparation relating to the primary use, but not conducted;
- C. Business and advertising signs, providing such signs conform to the sign regulations of this chapter.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.040 Secondary permitted uses.

The permitted secondary uses in the HBD and CS zones, when permitted outright or after receiving a conditional use permit, are as follows:

- A. The servicing of new passenger cars, trucks, recreation vehicles and farm implementing machinery as a condition to the operation of a sales function only;
- B. The storage of delivery trucks relating to the use of the retail and commercial property;
- C. The storage of materials or commodities to be used and/or sold in the conduct of the retail business functions.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.050 Commercial Development Standards ~~Setbacks, access and queuing requirements.~~

A. **Setbacks.** Setbacks are established to ensure adequate circulation and access for emergency services. All setbacks are measured from the property line to the foundation. The setback requirements for the HBD and CS zones shall be as follows:

	HBD	CSL	CSR	<u>MUC</u>
Rear setback	20 ft. (1)	10 ft.	25 ft.	<u>Per LMC 19.23.110</u>
Front setback (2)	0 ft.	10 ft.	20 ft.	
Side setback (3)	0/10 ft.	0/10 ft.	0/10 ft.	
Maximum building height	48 ft.	48 ft.	48 ft.	

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- (1) May be located closer if parking is available underground with access to Judson Alley.
 - (2) When adjacent to Badger Road, front setback shall be one hundred feet from Highway Center line. When adjacent to the Guide Meridian Highway the front setback shall be one hundred feet from the center of the highway on the east side and one hundred and ten feet from the center of the highway on the west side. Once the required right-of-way for planned improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.
 - (3) Where construction types and the International Building Code allow, the side yard setback in any commercial zone may be zero; provided, however, that the setback between a building and a right-of-way will not be less than ten feet.
- B. **Highway Frontage:** All development located on state highways must comply with the access requirements of the Washington State Department of Transportation in addition to the City of Lynden Manual for Engineering Design and Development Standards.
- C. **Drive-Thrus:** All businesses with a drive-thru window must have a minimum queue length of sixty feet. This is a cumulative total but does not include the vehicle at the drive-thru window. Businesses generating more than twenty-five p.m. peak hour trips must include queuing in the required traffic analysis checklist.
- D. All setbacks are measured from the property line to the foundation.**Accessory Structures:** Structures are considered accessory when they are incidental or clearly subordinate to the primary use. Accessory structures do not house the primary functions of the use of the property or are scaled so that the area of the structure equals only 20% or less of the gross floor area of the primary structure. Commercial properties are permitted accessory structures according to these standards.
1. Building permits are required for all structures greater than 120 square feet.

2. Building permits are required for all structures intended to remain on the property for more than 72 hours.
3. -Design Review Board approval is required for commercial accessory structures which have a floor area greater than 20% of the primary commercial structure and are visible from street rights-of-way.
4. Front and rear setbacks may be reduced by half for accessory structures with a gross floor area which equals 20% or less of an existing primary structure.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018; Ord. No. 1574, § C, 3-4-2019)

19.23.060 Design review approval required.

Design review is a tool to direct development in the City of Lynden to be of high quality, well designed and to produce projects that reflect the values and character of the Lynden community. Development plans reviewed administratively or by the Design Review Board must maintain compliance with design guidelines adopted by the Lynden City Council. These guidelines address site design, building design and features, streetscapes, trash and mechanical areas, and signage.

- A. New commercial structures which are visible from street right-of-way are subject to review and approval by the Design Review Board according to the City of Lynden Design Review Guidelines except that some accessory structures are exempt from Design Review Board approval per LMC 19.23.050(D).
- B. Commercial exterior remodels will be evaluated by the Planning Director to determine if review and approval of the Design Review Board is required. Board review will be prioritized for existing structures and sites which have historically never received approval. All commercial remodels are required to address aspects of site design such as lighting, landscape, street trees and the screening of mechanical equipment and trash disposal areas.
- A.C. The Historic Business District (HBD) of the City of Lynden has a number of historic buildings which are more than 50 years old and play a role in the history of the City. Additionally, an ~~distinct~~ aesthetic character based on the Dutch and European background of the founders of the community was also established in this area. To preserve this character and the community's unique identity, all new construction within the HBD shall reflect a historic Dutch and European aesthetic. ~~and Alternately, exterior commercial remodels within all commercial zoning districts the HBD shall~~ may be designed to restore or pay tribute to the structure's historic architecture. ~~be Designs are~~ subject to review and approval by the design review board.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.070 Projections into public right-of-way.

Decorative additions to the fronts of buildings currently existing within the historic business district and CSL zone are allowed to extend into the public right-of-way as described here, a maximum of four inches with the following limitations:

- A. ~~Additions~~ Projections may be made on the side of the building facing the street only, no overhang may occur in the alleys.
- B. Materials used for decorative additions to buildings must be non-combustible, except for limited wood trim which may be approved by the building official, subject to building codes.
- C. Signs, marquees, canopies, or awnings with less than 15 feet clearance above a sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. may be allowed at a minimum height clearance of eight feet is required. as permitted under the International Building Code.
- D. Projections into public right-of-way that have more than 15 feet of clearance above the sidewalk are subject to the provisions of the International Building code and the approval of the Building Official.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.080 Special development conditions for all stores greater than twenty-five thousand square feet GFA.

- A. Reuse of vacant stores: If the facility is vacated, the owner or operator shall submit a plan to the planning department for the continued maintenance of the site which addresses how the owner or operator will avoid any nuisance violations and the removal or proposed reuse of the facility. This plan must be submitted within twelve months of the vacancy; provided however, the time limit may be extended by the city council upon showing of good cause.
- B. Restrictive covenant required: Lease agreements containing provisions which limit, preclude or restrict the marketing, leasing or renting of retail building space greater than twenty-five thousand square feet to future lessees or future lessees operating a certain business, tend to prolong vacancy, are found to be detrimental to the public health, safety and welfare of the city, and shall not be permitted. The owner of any property for which a permit is granted authorizing an individual building or lease space greater than twenty-five thousand square feet for retail store purposes shall execute a restrictive covenant against the property for the benefit of the city. Said restrictive covenant shall:
 - 1. Preclude entry into any agreement which contains a provision preventing, restricting or limiting the marketing, leasing, or renting of the building or property to future

Commented [HG13]: Add section re upper story balconies per the IBC

lessees, including future lessees which may be competitors of any tenant or owner of the building.

2. Require continuous occupancy of the leased premises and operation of a retail business on the leased premises during the term of any lease or rental agreement
3. This restrictive covenant is required regardless of the time remaining on any marketing, lease or rental agreement and regardless of whether such future marketing, lease or rental agreement is a competing business with that of the owner, operator or landlord or of any past or prospective lessee. This restrictive covenant shall be approved by the city attorney and must be recorded at the time of permit approval.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.090 Special development conditions development utilizing the provisions of the Mixed-Use Center Overlay and for retail stores greater than fifty thousand square feet GFA.

- A. The costs of all studies and investigations reasonably necessary to grant approval of a building permit shall be borne by the applicant. If it becomes necessary for the city to hire outside professionals to review reports or studies, the cost of hiring the consultant(s) shall be borne by the applicant.
- B. All buildings are encouraged to achieve LEED certification. ~~A copy of the LEED checklist should be submitted at the time of permit application to demonstrate how the project will encourage energy efficiency and environmental responsiveness.~~
- C. Parking:
 1. Minimum parking area ~~4.5 stalls per one thousand square feet GFA~~ per LMC 19.51.
 2. Maximum parking area 6.0 stalls per one thousand square feet GFA.
 3. Development proposed under the provisions of the Mixed-Use Centers Overlay may be eligible for shared parking per LMC 19.51.
- D. Reuse of vacant stores: If the facility is vacated, the owner or operator shall submit a plan to the planning department for the continued maintenance of the site which addresses how the owner or operator will avoid any nuisance violations and the removal or proposed reuse of the facility. Said plan must be submitted within twelve months of the vacancy; provided however, the time limit may be extended by the city council upon showing of good cause. The plan shall include the following details:
 1. The owner or operator's proposed marketing efforts for obtaining an occupant for its facility.
 2. An executed maintenance contract for the site including landscaping, parking lot cleaning and site lighting.

3. The requirements under this Section 19.23.090.D will be subject to enforcement under the provisions of Chapter 17.13 of the Lynden Municipal Code.
- E. Restrictive covenant required: Lease agreements containing provisions which limit, preclude or restrict the marketing, leasing or renting of retail stores greater than fifty thousand square feet to future lessees or future lessees operating a certain business, tend to prolong vacancy, are found to be detrimental to the public health, safety and welfare of the city, and shall not be permitted. The owner of any property for which a permit is granted authorizing an individual building or lease space greater than fifty thousand square feet for retail store purposes shall execute a restrictive covenant against the property for the benefit of the city as a condition of permit issuance. This restrictive covenant shall:
1. Preclude entry into any agreement which contains a provision preventing, restricting or limiting the marketing, leasing, or renting of the building or property to future lessees, including future lessees which may be competitors of any tenant or owner of the building.
 2. Require continuous occupancy of the leased premises and operation of a retail business on the leased premises during the term of any lease or rental agreement.
 3. In addition to other remedies, be enforceable by the remedy of specific performance and injunctive relief; and provide for award of reasonable costs and attorney's fees to the prevailing party in the event of enforcement of the restrictive covenant.
 4. The restrictive covenant referred to in this section shall be approved by the city attorney and must be recorded with the Whatcom County Auditor at the time of permit approval.
- F. Design guidelines: All large format retail buildings must meet the following site and building design guidelines-standards as part of compliance with the city's design review requirements.

Section I -Aesthetic Character

Intent: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities that reflect the character of the community.

1. Facades and Exterior Walls

Intent: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large, retail buildings and provide visual interest that will be consistent with the community's identity, character and scale.

- A. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade. The cumulative length or the recess or

projection must be a minimum of twenty percent of the length of the façade, but should not be more than sixty percent of the façade length.

- B. Ground floor facades that face public streets shall have arcades, entry areas, awnings or other such features along no less than sixty percent of their horizontal length. Display windows are encouraged as a design feature at entrances (see Section II.C.3).
- C. The use of porticos and other features to reduce the height of the front of the building to a pedestrian scale is encouraged.

2. Detail Features

Intent: Buildings should have architectural features and patterns that provide visual interest, at the scale of pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standards should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint. Additional guidelines may be found in the City of Lynden Design Review Guidelines.

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically. Elements include: color change, texture change, material module change, and expression of architectural or structural bay through a change in plan no less than twelve inches in width, such as an offset, reveal, or projecting rib.
- B. Building materials may not include flat CMU blocks in a standard concrete grey.
- C. The use of a combination of architectural elements common to a traditional Dutch or Northern European style is required. These elements may include but are not limited to the following:
 - i. Roof line with a steep pitch and gables or a façade replicating that appearance.
 - ii. Decorative gable ends, stepped with ornamental detail.
 - iii. Narrow and vertical emphasis on fenestration. Windows are often highlighted in a contrasting color and are multi-paned.
 - iv. Quoins, corbels and corbelling.
 - v. Cornice detail.
 - vi. Use of brick masonry materials.
 - vii. Use of color to highlight ornamentation.

3. Roofs

Intent: Variations in roof lines should be used to add interest and to reduce the massive scale of the building.

- A. Rooflines should be varied with a change in height every one hundred linear feet in building length. Parapets, mansard roofs, gable roofs, hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- B. The average height of parapets or other roof treatments shall not exceed fifteen percent of the height of the supporting wall and such parapets may not exceed one-third of the height of the supporting wall at any time. Parapets shall feature three dimensional cornice treatments. Parapets and facades of varying heights and widths to approximate the appearance of several smaller buildings or storefronts are encouraged.

4. Materials and colors

Intent: Exterior building materials and colors comprise a significant part of the visual impact of a building and should be reflective of the community's character, and surrounding neighborhood.

- A. Predominant exterior building materials shall be high quality materials that are easily maintainable, and graffiti resistant. Material suggestions include without limitation; brick, wood or fiber cement siding, and tinted and textured concrete masonry units. It is strongly recommended that a combination of colors and materials are used to meet the Dutch/Northern European design emphasis.
- B. The use of metallic colors, black or fluorescent colors as a building's primary color is prohibited.
- C. Predominant exterior materials shall not include the following items, unless they are manufactured to meet the other design criteria: smooth faced concrete blocks, smooth faced tilt-up concrete panels, and pre-fabricated steel panels.

5. Entryways

Intent: Entryway design elements and variations should give orientation and character to a building as well as enhance the pedestrian scale.

- A. Each building on a site shall have clearly defined, highly visible entrances featuring no less than three of the following design elements:
 - i. Arcades, plazas or porticos.
 - ii. Raised parapets over the door.
 - iii. Arches.
 - iv. Display windows.
 - v. Outdoor patios.

vi. Peaked roof forms.

vii. Recesses or projections.

B. Where additional stores will be located in the principal building, each store shall have at least one exterior customer entrance that conforms to the above requirements.

C. Entry ways and their adjoining sidewalk, may not exit directly onto a travel lane or parking aisle. Pedestrian traffic should be directed to pedestrian walkways (refer to II. C. 1.).

6. Back and Side Facades

Intent: All facades of a building which are visible from adjoining properties and/or public streets should be attractive and include elements from the preceding sections.

A. The side and rear of a building visible from any public street or adjoining property must incorporate at least one design element from Sections A and B above.

Section II - Site Design

1. Entrances

Intent: Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access and provide convenience. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. It is desirable for large retail buildings to feature multiple entrances.

A. All entrances shall be architecturally prominent and clearly visible from the abutting public street. The city encourages builders to locate public entrances on all sides that include public parking located on at least two sides of the building.

2. Parking Lot Orientation

Intent: Parking lots should not overpower the visual impact of any site. They should provide safe, convenient and efficient access for vehicles and pedestrians. Bus stops and drop-off/pick-up locations should be considered as integral parts of the configuration.

A. Large parking lots should be visibly and functionally segmented into several smaller lots with the use of landscaping, and pedestrian walkways.

B. At least one pedestrian walkway shall be provided within the parking lot from each abutting street to the pedestrian walkway abutting the building.

C. Parking lot landscaping shall meet or exceed the requirements of Section 19.61.100 of the Lynden Municipal Code.

D. Cart corrals should be located throughout the parking areas in convenient and sufficient numbers and should be easily accessible.

E. All lighting in the parking lot shall be directed downward to minimize glare on neighboring properties.

F. Inclusion of bicycle parking is ~~strongly encouraged~~required.

3. Pedestrian Flows

Intent: Pedestrian accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier more inviting image. Pedestrian walkways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls and other architectural elements that define circulation ways and outdoor spaces.

- A. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the customer entrance of all buildings on the site. Pedestrian walkways that traverse the parking lot may be five feet in width. Walkways shall connect pedestrian activity such as, but not limited to transit stops, street crossings, buildings and store entry points, and central features and community spaces. Walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent of their length.
- B. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Pedestrian walkways must also be protected from the driving lanes by curb stops, bollards, or other features that restrict vehicular access, while continuing to provide access for shopping carts.
- C. No parking stall shall be located further than one hundred thirty feet from an internal pedestrian walkway.
- D. Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
- E. Internal pedestrian walkways provided in conformance with the section above, shall provide weather protection features such as awnings or arcades within thirty feet of all customer entrances. The extent of the covered area should be proportionate to the height of the building (i.e. the taller the building, the wider the covered pedestrian area).
- F. In no instance shall outdoor displays of merchandise or shopping cart storage impede the pedestrian movement at the entrance of the store.

4. Outdoor Storage, Trash Collection and Loading Areas

Intent: Loading areas and outdoor storage areas exert visual and noise impact on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem.

- A. Areas for permanent outdoor storage, trash collection or compaction, loading, or other such uses shall be screened from the public or private rights-of-way.
- B. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty feet of any public street or sidewalk or internal pedestrian walkway.
- C. Loading docks, truck parking, outdoor storage, HVAC equipment, trash dumpsters and compacters, and other service functions shall be incorporated into the overall design of the building and the site so that the visual and acoustic impacts of the functions are fully contained and out of view from adjacent properties and public streets. Public access to these areas should be restricted.
- D. Use of portable, metal storage containers or truck trailers as a permanent storage solution is not permitted. Temporary use, less than three months per calendar year, of these storage methods is permitted.
- E. Non-enclosed areas for the sale of seasonal inventory shall be clearly defined and may not infringe on any required parking or pedestrian walkway. Materials, colors and design of any screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

5. Signage

Intent: Signage should enhance the character of the building and should help the public find their way to where they need to go. Signage should be attractive, well-lit and consistent with the design of the building and surrounding neighborhood.

- A. Building signage should be proportionate to the size of the wall.
- B. Exposed neon tubing is not permitted.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.100 Special conditions for automobile service stations.

The purpose of this section is to promote the health, safety and general welfare in the city by establishing standards for the site design and the operation of ~~gasoline-vehicular~~ service stations. The need for such standards is created by the high volume of traffic and the frequency with which vehicles enter and leave the sites. By establishing these standards, it is intended

that the smooth flow of traffic will be facilitated and greater safety will be provided for the residents of Lynden, automobile passengers, and pedestrians.

- A. Code compliance: All ~~gasoline~~-service stations shall be in conformance and compliance with all federal, state and local statutes, laws and ordinances.
- B. Traffic study: A traffic impact analysis will be required for any new fueling station and the expansion of existing fueling stations.
- C. Development standards: Development standards and criteria of the zoning district/subzone shall apply unless otherwise noted in this section.
 - 1. Minimum lot size shall be fourteen thousand four hundred square feet.
 - 2. Ingress and egress must conform to the requirements of the City of Lynden Engineering Design and Development Manual.
 - 3. On-site lighting shall be located, directed, and/or shielded in a manner which reduces light glare or spill onto adjacent properties or rights-of-way.
 - 4. Separate public restrooms shall be provided for male and female and shall be barrier-free in conformance with WAC 51-20.
 - 5. A dumpster enclosure containing a dumpster shall be located strategically on the site in sufficient size and/or number to reduce off-site litter.
 - 6. Trash receptacles shall be located strategically and in sufficient number to reduce off-site litter.
 - 7. All portions of a ~~gasoline~~-service station site not utilized for landscaping or for other open space shall be paved. All perimeters shall be landscaped.
 - 8. No gasoline service station shall be located less than three hundred feet from any park, playground, church, school or public place of assemble. No service station shall be located closer than six hundred feet from the nearest property line of another service station unless the station is an accessory to a planned development or shopping center.
- D. Operational standards:
 - 1. No operation, service, or activity shall be permitted which would constitute a legal nuisance.
 - 2. A formal litter control program, as approved by the city, shall be implemented.
 - 3. Accessory truck, trailer and vehicle rental or sales shall be permitted where allowed by zoning.
 - 4. A policy manual for the management of hazardous material incidents is to be submitted to the city for review and approval prior to occupancy of the facility.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

19.23.110 Mixed-Use and Mixed-Use Centers Overlay

A. Purpose

The primary purposes of mixed-use projects the Mixed-Use Centers Overlay is to:

1. Provide for a compatible mix of multifamily housing, neighborhood commercial businesses, and semi-public open spaces
2. Foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses;
3. Promote a compact growth pattern to efficiently use developable land, and to enable the cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
4. Foster the development of mixed-use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide sensitive transitions between different land uses;
5. Ensure that buildings and other development component are arranged, and designed, and oriented to facilitate pedestrian access.

B. Establishment, Scope and Criteria for Approval of a Mixed-Use Overlay Assignment

Mixed Use Overlay is established in Chapter 2 of the City of Lynden Comprehensive Plan. Locations of the Overlay are identified within the City of Lynden Comprehensive Plan land use element according to the criteria described below.

The Mixed-Use Overlay is assigned to key locations within the City of Lynden which are within one quarter of a mile of existing commercial centers.

Properties are eligible to utilize the provisions within the Mixed-Use Overlay when the following criteria are met:

1. Sub-Area: Properties located within the West Lynden Commerce Subarea are not eligible for mixed-use overlay provisions.
2. Zoning: The property zoned Commercial Services – Local (CSL) or Commercial Services - Regional (CSR)
3. Scale: The property or contiguous group of subject properties applying to construct a project using the provisions of the Mixed-Use Overlay at least one acre in size.
4. Location: The subject property(s) is within walking distance of a qualifying commercial center.
 - a. Walking distance is one quarter mile or less as measured from the edge of the subject property to the geometric center of the qualifying commercial center.

Commented [HG14]: See proposed revision to sub-area title and boundaries. The W. Lynden Commerce Subarea would be reserved for non-residential uses.

- b. Qualifying commercial centers are identified in the Land Use Element of the City's Comprehensive Plan. These centers have at least 20,000 square feet of gross floor area dedicated to general retail uses and at least 6 tenants which provide goods or services to the general public.
- c. New commercial centers can be added to the City's list of qualifying commercial centers through an amendment to the Land Use Element of the City's Comprehensive Plan.

C. Small Scale Mixed-Use within the Commercial Services – Local (CSL) Zone

Properties that are zoned CSL but do not qualify for Mixed-Use Centers provisions due to scale are permitted to establish residential uses on upper stories. Ground level space is limited to non-residential uses permitted within the CSL zone except that **handicapped adaptable** residential units may be located on the first floor.

Commented [HG15]: Confirm with Ted on the proper terminology per the IBC and Fair Housing Act.

D. Separation of Uses/Transition Buffers.

To ensure that different land uses are adequately separated, landscape buffers, as detailed in LMC 19.61.090.

E. Mixed-Use Centers Overlay Development Standards

- 1. A project developing within the Mixed-Use Overlay is subject to the following minimum area and maximum density and height requirements:

	<u>Flex Space: Semi-public Open Space or Neighborhood Commercial Requirement</u>	<u>Residential Recreational Open Space</u>	<u>Multi- Family Housing and Parking</u>	<u>Max Residential Density (du / acre)</u>	<u>Max Residential Bldg Height</u>	<u>Max Commercial Bldg Height</u>
	<u>20% of lot area</u>	<u>10% of lot area</u>	<u>70% of lot area</u>	<u>24</u>	<u>60 feet</u>	<u>48 feet</u>

- 2. Setbacks: Setbacks from adjacent properties with residential zoning must be a minimum of 20 feet or half of the building height, whichever is greater.
Setbacks from adjacent properties with commercial, industrial, or public use zoning must be a minimum of 15 feet.

Title 19 - ZONING

Street frontage setbacks adjust based on building scale so that taller buildings are located farther from the street. These setbacks can be applied to a single building to achieve stepped height increases.

- a. Minimum of 10 feet for buildings, or portions of buildings, reaching up to 32 feet in height.
- b. Minimum of 15 feet for buildings, or portions of buildings, up to 48 feet in height.
- c. Minimum of 20 feet for buildings, or portions of buildings, up to 60 feet in height.

F. Shared Parking Opportunities in Mixed-Use Commercial Centers

A mix of non-residential and residential uses provide an opportunity to share parking resources as peak demand times for these uses vary.

- 1. Parking for residential uses must be provided consistent with LMC 19.51 or as established through a Planned Residential Development contract.
- 2. Parking for non-residential uses may be reduced by 25% when developed in conjunction with the Mixed-Use Center provisions on a shared site.
- 3. Mobile or seasonal commercial uses such as food trucks or fruit stands that are set up within semi-public flex spaces are not required to provide parking in association with their use.
- 4. Parking counts may be farther reduced than the allowance described in this section only if a parking study demonstrates feasibility. In order for a parking study to be considered, the following standards apply:
 - i. The parking study must be prepared by a professional engineer using industry accepted practices and methodologies.
 - ii. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.
 - iii. If the director determines that the independent parking study more accurately captures the parking need, he or she may adjust the parking requirement in accordance with said study.
 - iv. If the director determines, in his or her sole discretion, that the independent fee calculation study is not accurate, reliable, or sufficient, the director may reject the said study and requirement parking capacity consistent with that outlined in LMC 19.51.

Title 19 - ZONING

- v. The director may require the applicant to submit additional or different documentation for consideration at any time. If the director decides that third-party engineers are needed to review the calculation and related documentation, the applicant shall pay for the reasonable cost of a review by such engineers.
- vi. Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in LMC ...

G. Residential Open Space Requirements

Shared open space is required when residential components are introduced to a commercial property through the Mixed-Use Centers Overlay. The open space must include amenities that provide outdoor recreational / leisure spaces such as playgrounds, picnic or patio areas, sports courts, off-leash dog areas, or similar. These community open spaces will be reviewed and approved through Design Review Board approval process. The Board will review for the following criteria:

1. Minimum size of the open space is ten percent (10%) of the net lot area. Net lot area, in this case, is calculated by removing the area dedicated to public right-of-way, critical areas and protected critical area buffers from the gross lot area.
2. Inclusion of critical areas in the open space requirement is permitted, however no more than 30 percent of the required open space can be inaccessible due to critical area protection.
3. The open space must be readily accessible and visible to residents.
4. Must include active recreational uses such as trails, playground, dog park, courts, etc.
5. May be limited to resident use only.

Commented [HG16]: Discuss and rewrite to be clear.

H. Required Commercial Use or Flex Space

A priority of the Mixed-Use Centers Overlay is to facility pedestrian-oriented development and street-level activity. This serves to benefit residents within the development, nearby businesses, and the community as a whole.

Commercial properties which utilize the provisions of the Mixed-Use Centers Overlay must develop as neighborhood-oriented commercial uses or reserve space on site called Flex Space.

If commercial uses are not established prior to or simultaneously with residential components of the Mixed-Use Centers Overlay then the space must be improved as described below and dedicated as semi-public open space.

Title 19 - ZONING

Permitted uses of Flex Space:

When flex space is used as semi-public opens space is must include the following design requirements:

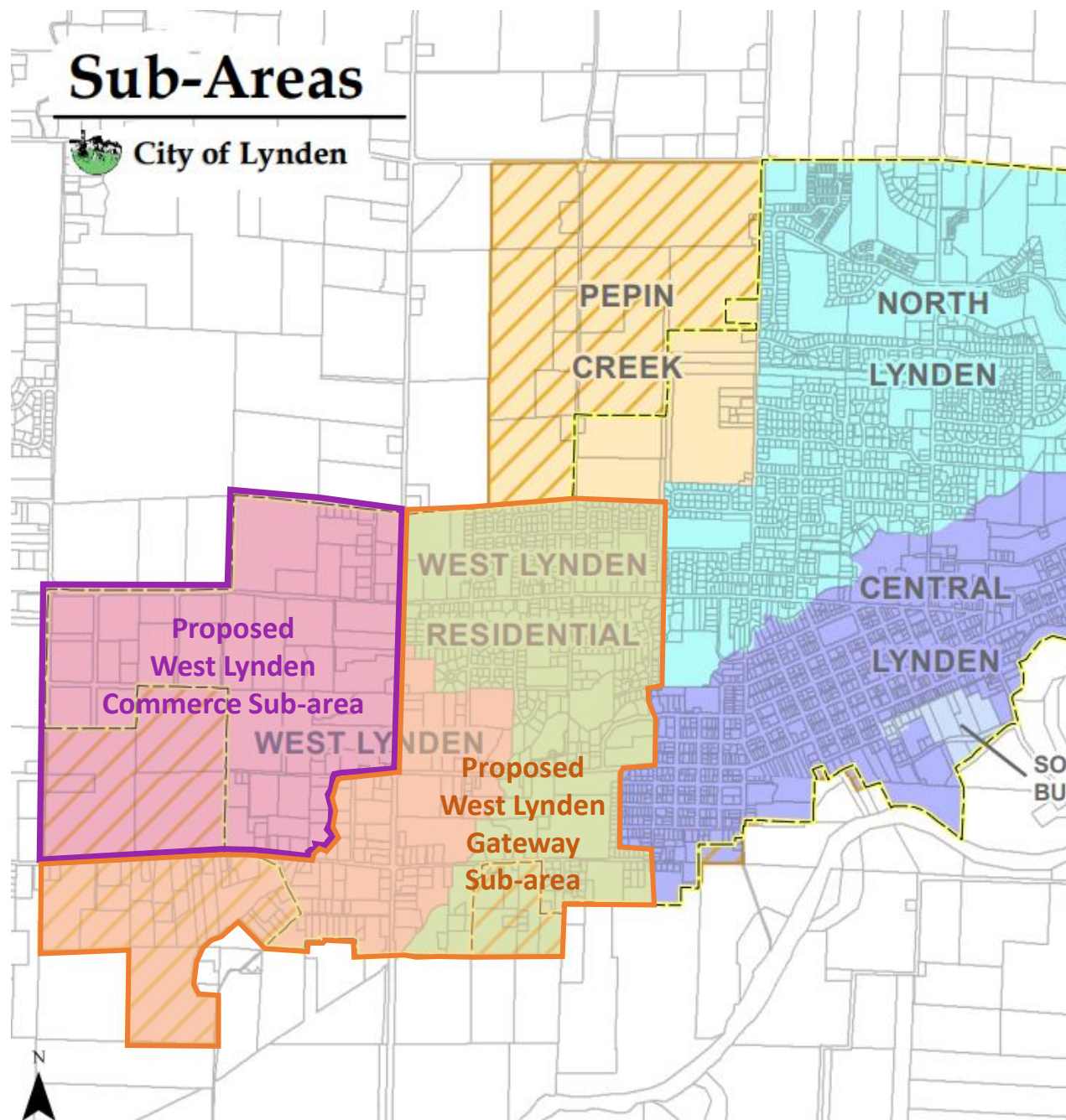
1. A public access easement must be recorded?
2. A pedestrian oriented plaza area that is visible and easily accessible to the public as well as onsite residents.
3. Outdoor seating.
 - a. The seating must include at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza.
 - b. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30").
 - c. Half of seating must be located in areas that would experience seasonal shade.
4. Trash receptacles must be provided in pedestrian areas. These are to be maintained by the property management / owner / association.
5. Trees and landscape. Trees in proportion to on-site plaza and sidewalk space at a minimum of one tree per eight hundred (800) square feet, at least two (2") caliper when planted;
6. Accommodations for outdoor vending and food trucks. (this includes?? Water and electricity?)
7. Stormwater facilities or critical area buffers that prevent pedestrian access may be included under the following provisions:
 - a. Inaccessible areas shall encompass no more than forty percent (40%) of the required semi-public area.
 - b. Inaccessible areas must act as amenities to the accessible portion of the required area by being visually appealing, providing landscape variety or natural habitat in a way that enhances the pedestrian experience within the remainder of the semi-public area.
8. Additionally, privately-owned public spaces shall include at least three (3) of the six (6) following elements:
 - a. Covered seating options;
 - b. Water features or public art;
 - c. Outdoor dining areas; and
 - d. Decorative pedestrian lighting;
 - e. Children's play structures. This may include interactive sculpture, or traditional playground equipment;
 - f. Other amenities not listed above that provide a public benefit.

Title 19 - ZONING

1. **Flex Space Conversion.** The portion of the property designated as flex space semi-public open space may be converted into commercial use. When this occurs, Shared parking provisions described in LMC 19.23110(F) may be utilized. Pedestrian connections must be maintained from the residential structures to any commercial use. Design must be consistent with LMC 19.23.090 and is the development is subject to Design Review.

Chapter 19.51 OFF-STREET PARKING

see edits to 19.51 in separate document



Proposed Revision to West Lynden Sub-areas.

The revision to sub-area boundaries seeks to identify and preserve a commerce district west of the Guide Meridian. Renamed the **West Lynden Commerce Sub-Area**, the boundaries would be Birch Bay Lynden Road, Duffner Creek (and associated critical areas), and the Guide Meridian. Properties within this sub-area would not be eligible for mixed-use provisions.

The proposed **West Lynden Gateway Sub-area** includes a wide variety of City features including multiple gateways into the City, retail services, the NW Washington Fairgrounds, the cemeteries, and a wide variety of housing types. This sub-area would be eligible for the new mixed use housing provisions.

Chapter 19.51 OFF STREET PARKING

Sections:

- 19.51.010 Requirements.
- 19.51.020 Ingress and Egress Provisions.
- 19.51.030 Location of Parking Spaces.
- 19.51.040 Off-street parking spaces required.
- 19.51.050 Parking Standards
- 19.51.060 Parking for Unspecified Uses.
- 19.51.070 Reduction of Required Spaces When Effective Alternatives to Automobile Access are Proposed.
- 19.51.080 Mixed Occupancy.
- 19.51.090 Joint Uses
- 19.51.100 Conditions for Joint Use.
- 19.51.110 Loading Space.
- 19.51.120 Parking Lot Surfacing Requirements.
- 19.51.130 Illumination.
- 19.51.140 Landscaping Requirements.
- 19.51.150 Handicapped Parking
- 19.51.160 Special Conditions for Historic Business District Off-Street Parking

19.51.010 Requirements.

Every building hereafter erected, moved, reconstructed, or structurally altered shall be provided with parking areas as provided in this chapter, and such parking areas shall be made permanently available and shall be maintained for parking purposes.

No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter. The primary users of the building shall first utilize the off-street parking in lieu of parking on the street.

~~Every lot or parcel of land used as a public or private parking area or new or used car sales area and having a capacity of three or more vehicles shall be developed and maintained in accordance with this chapter.~~

~~Where off-street parking is required and provided according to this chapter, the primary users of the building such as but not limited to, the property owner, lessors, lessees, residents, invitees, employers and employees shall first utilize the off-street parking in lieu of parking on the street.~~

19.51.020 Ingress and Egress Provisions.

Ingress and egress of a site must comply with the City's Engineering Design and Development Standards. The Director of Public Works, in conjunction with the police chief and fire chief, shall have authority to fix the location, width and manner of approach

of vehicular ingress or egress from a building or parking area to a public street and to order alteration of existing ingress and egress as may be required to control traffic in the interest of public safety and general welfare.

19.51.030 Location of Parking Spaces.

Off-street parking spaces shall be located as specified herein. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

- A. Parking for single and multiple family dwellings shall be on the same lot or building site with the building it serves;
 - B. Parking for all Hotels, Motels, or Bed and Breakfasts in all zones, and RM-3 dwellings in the HBD zone, must be located within ~~four hundred fifty three~~ **hundred (300)** feet of the building. There will be no exceptions or variances to location or number of spaces to be provided.
 - C. Parking for uses not specified above shall not be over three hundred feet from the building it serves;
 - D. All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve; and
 - ~~E. Parking shall be located at least twenty-five feet from any body of water.~~
 - ~~F. Streets in residentially zoned areas shall not be utilized as parking for the property owner, lessors, lessees, residents, invitees, employers, employees, clients, or distributors of any commercial or industrial uses in adjacent commercial or industrial zones when there is off-street parking as required under section 19.51.040 below.~~
- ~~The availability of on-street parking may not count toward the parking requirements listed below.~~

Commented [DT1]: I don't believe there are RM3 dwellings in the HBD zone

Commented [HG2R1]: This can remain in case a property rezones.

Commented [DT3]: Seems far?

Commented [HG4R3]: 300 is used in a subsequent section

Commented [DT5]: Is this saying you can't park on the street in residential zones?

19.51.040 Off-street Parking Spaces Required.

The required number of off-street parking spaces shall be as follows. ~~Any proposed use not listed but similar to a use listed below shall meet that requirement. If nothing similar is apparent, the Planning Director shall determine the requirement. The pertinent approving body may reduce these requirements if the applicant submits a request for a waiver and can incorporate one or more of the following LID techniques:~~

- ~~A) Shared parking~~
- ~~B.) Proximity to transit~~

<u>Land Use</u>	<u>Parking Requirement</u>
<u>Residential Uses</u>	

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<u>Single-family units and manufactured mobile home units</u>	<u>2 per dwelling unit (1)</u>
<u>Duplex, Multi-family, Townhomes</u>	<u>2 per dwelling unit up to 2 bdrms. 1 space per bdrm for units with more than 2 bdrms. plus any required handicapped stalls (1)(2)</u>
<u>Assisted Living</u>	<u>1 per dwelling unit plus 1 per employee</u>
<u>Accessory Dwelling Unit</u>	<u>1 per bdrm in addition to the single-family requirement</u>
<u>Commercial Uses</u>	
<u>Commercial Recreation</u> <u>(bowling alley, sport courts, skating rink, public swimming pool, arcade)</u>	<ul style="list-style-type: none"> • <u>5 per bowling lane</u> • <u>2 per tennis, racquetball, pickleball court, etc</u> • <u>1 per 40 sq ft of assembly area.</u> • <u>1 per 150 sq ft GFA for skating rink, video arcade, etc</u> • <u>1 per 10 swimmers of standard pool capacity</u>
<u>Commercial Schools for Adults</u>	<u>1 per 4 seats plus 1 per employee (3)</u>
<u>Eating and Drinking Establishments</u>	<u>1 per 100 sq ft of floor area open to the public plus 1 per 300 sq ft of area dedicated to outdoor service</u>
<u>Funeral Parlors, Mortuaries</u>	<u>1 per 4 seats or 8 ft of bench or pew or 1 per 40 sq ft of assembly room</u>
<u>General Business, Retail, Personal Services (not including shopping centers greater than 20,000 sq ft)</u>	<u>1 per every 250 sq ft of floor area open to the public</u>
<u>Health Care:</u>	
<u>Hospitals and Emergency Medical Clinics</u>	<u>1 per 2 beds plus 1 per employee on shift with greatest number of employees</u>

<u>Medical Care Facilities (Nursing homes, Institutions for the aged and or children)</u>	<u>1 per 4 beds plus 1 per employee on shift with greatest number of employees</u>
<u>Animal Hospitals, Veterinary Clinics</u>	<u>1 per 500 sq ft of GFA</u>
<u>Hotels, Motels, Bed and Breakfast</u>	<u>1 per room plus the required spaces for accessory uses</u>
<u>Motor Vehicle Services</u>	
<u>Commercial Garages and Repair</u>	<u>1 per 200 sq ft of GFA</u>
<u>Service/Fueling Stations</u>	<u>4 spaces plus 1 space per greasing facility or fueling station</u>
<u>Passenger Vehicle Sales</u>	<u>1 per 1000 sq ft GFA plus 1 per 1500 sq ft of outdoor display area</u>
<u>RV, Agricultural Vehicle Sales</u>	<u>1 per 3000 6000 sq ft of outdoor display area</u>
<u>Offices: (not including health care)</u>	<u>1 per 350 sq ft of GFA</u>
<u>Offices: (Medical, Dental)</u>	<u>1 per 200 sq ft of GFA</u>
<u>Shopping Centers and Food Markets</u>	<u>1 per 200 sq ft of GFA</u>
<u>Studios (Dance, Art, Martial Arts, etc)</u>	<u>2 1 per 100 sq ft of studio floor area</u>
<u>Public and Semi-Public Assembly Places</u>	
<u>Assembly Places with fixed seats (churches, stadiums, theaters, auditoriums, etc)</u>	<u>1 per 4 seats or 8 ft of pew or bench space</u>
<u>Bus Stations, Passenger Terminals</u>	<u>1 per 100 sq ft of floor area open to the public</u>
<u>Community Centers, Convention Halls, Private Clubs/Lodges</u>	<u>1 per 400 sq ft of GFA</u>
<u>Libraries, Museums, Art Galleries</u>	<u>1 per 200 sq ft of floor area open to the public</u>

Commented [HG6]: We should clarify if a fueling station is a parking spot or if these parking stalls are required in addition.

Commented [HG7]: Revised to be more consistent with sites in Lynden (Pape, Scholten Equip)

Commented [DT8]: Can this just be considered "General Business" – 1 per 250 sq ft

Commented [HG9R8]: Checking with Ted on occupancy per the IBC to get an idea of number of stalls needed.

Commented [HG10R8]: Building code uses a calc of 50 sf for each person so parking demands could be quite high – and we see that with dance studios, etc. I'm thinking 1 stall per 100 sf of studio space.

<u>Schools (public and private)</u>	<u>1 per 12 seats in auditorium or large assembly room plus 1 space per employee, plus bus loading space (off street)</u>
<u>Industrial Uses</u>	
<u>Manufacturing, contractor shops (Additional parking required for office space if included. See "Offices" above.)</u>	<u>1 per 1000 GFA or 1 per employee on largest shift – whichever is greater</u>
<u>Mini-Storage</u>	<u>1 per 50 storage units equally distributed plus 3 spaces for office space</u>
<u>Utility and communications establishments without regular employment</u>	<u>1 space</u>
<u>Warehousing and Wholesale (Additional parking required for office space if included. See "Offices" above.)</u>	<u>1 per 2000 sq ft of GFA or 1 per employee – whichever is greater</u>

Commented [HG11]: "Mini-Storage" must be defined in LMC 17

Commented [DT12]: What is this use?

Commented [HG13R12]: Cell phone towers, electrical sub-stations, etc

Commented [DT14]: Replace this table with the above

Land Use	Parking Requirements
Single family units, duplex units and townhouse and mobile home units	2 per dwelling unit⊕
Multi-family dwelling units	2 per dwelling unit up to 25 units 1.5 per unit for each unit after 25⊕
Retirement Housing	1 per dwelling unit
Assisted Living	1 per dwelling unit plus 1 per employee on biggest shift⊕
Fraternity, Sorority, rooming and boarding houses	1 per person accommodated
Hospitals and Emergency Medical Clinics	1 per 2 beds plus 1 per employee on shift with the greatest number of employees⊕
Nursing home, institutions for the aged and children, welfare or correctional institutions	1 per 4 beds plus 1 per employee on shift with the greatest number of employees⊕

Land Use	Parking Requirements
Retail Uses	4.5 per 1000 sq. ft. GLA
Banks and Financial Institutions	3 per 1000 sq. ft. GFA
Professional and Business Offices	3 per 1000 sq. ft. GFA -- min. 5
Medical and Dental Clinics	1 per 200 sq. ft. GFA
Barber Shops, Beauty Parlors,	3 per operator
Personal Services	4.5 per 1000 sq. ft. GLA
Day Care Facilities	1 per employee plus off-street loading and unloading space equivalent to one space per 10 children
Communications Services (radio and TV stations, publishing services)	1 per 1000 sq. ft. GFA or 1 per employee, whichever is greaterⓈ
Laundry and Dry-Cleaning Facilities	1 per 2 washing or drying machine
Theaters and Movie theaters	1 per 4 seats
Bowling Alleys	5 per lane
Skating Rinks	1 per 165 sq. ft. GFA
Video Arcades	1 per 150 sq. ft. GFA
Athletic Facilities, or gymnasiums	1 per 200 sq. ft. GFA
Tennis Courts, racquet clubs, handball courts and other similar commercial recreation.	One per 40 sq. ft. of gross floor area used for assembly plus two per court.
Dance Halls and Dancing Schools	1 per 75 sq. ft.
Restaurants, Cafes and Taverns	1 per 100 sq. ft. GFA -- min. 5
Photography Studio	1 per 300 sq. ft. GLA
Business Schools	1 per 4 seats plus 1 per employeeⓈ
Printing and Duplicating Shops	1 per 600 sq. ft. GFA
Country clubs, social clubs, fraternal lodges	1 per 400 sq. ft. GFA
Funeral Parlors, mortuaries and cemeteries	1 per 4 seats or 8 ft. of bench or pew or 1 per 40 sq. ft. of assembly room used for services if no fixed seating is provided.
Warehouse, storage buildings or structures used exclusively for storage purposes except for mini storage.	1 per 2000 sq. ft. GFA or 1 per employee (whichever greater)
Mini-Storage Facilities	1 per 50 storage cubicles equally distributed and proximate to storage building. In addition, one space for each fifty storage cubicles to be located at the project office.
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	1 per 500 sq. ft. GFA

Commented [DT15]: Remove min requirement

Commented [DT16]: Remove GFA and replace with dining space / public space

Land Use	Parking Requirements
Hotels, Motels—includes indoor restaurants, gift shops and other businesses associated with a hotel/motel	1 per room + required spaces for restaurant/convention facilities
Bed and Breakfast	2 per owner/occupant + 1 per available room
Stadiums, churches, theaters, sports arenas, auditoriums, clubs and lodges, and all assembly places with fixed seats.	1 per 4 seats or 8 feet of row or bench space
Commercial Garages & Automotive Repair	1 per 200 sq. ft. GFA
Auto Body Shops	1 per bay and mechanic
Service Stations	4 spaces plus 1 per bay plus queuing
Motor Vehicle Sales and Service	1 per 1000 sq. ft. GFA plus 1 per 1500 outdoor display
Motor vehicle or machinery repair without sales.	One per 200 sq. ft. of gross floor area.
Mobile Home and recreational vehicle sales.	1 per 3000 sq. ft. of outdoor display area.
Manufacturing and industrial uses of all types, except buildings used exclusively for warehouse purposes.	1 per 1000 GFA or 1 per employee based on largest shift -- whichever is greater. ④
Passenger Terminals	One per 100 sq. ft. of gross area used for passenger waiting area.
Libraries, art galleries, museums	One per 250 sq. ft. of gross floor area.
Public swimming pools	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health.
Schools, public and private for elementary, intermediary, middle, junior high, and high school.	1 per 12 seats in auditorium or assembly room plus 1 space for each employee, plus sufficient off-street space for safe loading of students from school buses. ④
Colleges or commercial schools for adults.	1 per four seats in class room plus one per employee. ④
Auto wrecking yards.	15 spaces for yards less than ten acres in size and 25 spaces for yards ten acres and larger in size.
Utility and communications establishments without regular employment.	One space.

Land Use	Parking Requirements
Automobile Service Stations:	4 spaces plus one space for each greasing facility. ④

- ① If an enclosed single car garage is provided per dwelling unit, a minimum of two outside parking spaces must be provided. If an enclosed garage for two or more vehicles is provided, a minimum of one outside parking space must be provided. Open carports may be counted as parking spaces to meet parking requirements, provided they shall not be enclosed. If enclosed, additional parking spaces shall be provided as required.
- ② If it can be demonstrated that there is adequate off-street parking available on public streets directly adjacent to the development, required parking for units greater than 2 bedroom can be reduced to 2 spaces per unit. This must be approved by the Planning Director.
- ③ In order not to block public streets in Lynden, it is mandatory for each service station operator to provide off-street waiting facilities for customers. No on street waiting for gasoline sales is allowed.
- ④ The Planning Director may require that uses which rely on the number of employees as part of the calculation of required parking spaces to agree at the time of parking approval, to provide additional parking stalls if there is insufficient parking for the number of employees.

Commented [DT17]: Can this one be re-written to be more understandable?

Commented [DT18]: Is this condition necessary in this chapter? Seems like a Design Standard for queuing.

19.51.050 Parking Space Standards.

A. The following parking standards shall apply, however the pertinent approving body can reduce these requirements if the applicant submits a request for a waiver and incorporates one or more of the following LID techniques:

1. Shared Parking
2. Proximity to Transit

B. Building sites which contain more than one hundred parking spaces shall be designed with access lanes and fire lanes to no less than twenty-five feet in width. Mini-self-storage complexes shall be designed with access lanes not less than twenty-eight feet in width, within which loading areas, access and fire lanes, and any parking shall be located. Access lanes shall be designed so as to provide continuous, unrestricted vehicular movement and shall connect to public streets. In parking lots containing less than one hundred parking spaces emergency access shall be provided subject to approval of the fire marshal. Emergency access shall be provided to within fifty feet of any multiple family building. If any of these requirements are impractical due to the peculiarities of the site and/or building, other provisions for emergency access may be approved by the fire marshal. Parking in fire lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the parking lot surface.

Commented [DT19]: Can this section be deleted or simplified? Is this saying that if it is a large parking lot, the table below does not apply? Can 19.51.020 cover this provision?

- C. ~~All parking stalls and aisles shall be designed according to the tables shown below unless all parking is to be done by parking attendants on duty at all times that the parking lot is in use for the storage of automobiles. When parking standards require ten or more parking spaces, up to thirty percent may be designated compact cars. Such compact car spaces shall be individually marked in the parking plan and on each constructed parking stall as for being for compact only. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards. Parking shall be so designed that automobiles shall not back out into public streets.~~

Commented [DT20]: Put the compact space allotment back in - per PC meeting discussion 3/24/22.

The parking space standards are shown in the table below.

DESIGN STANDARDS IN FEET

A Parking Angle	B Stall Width	C Curb length	D Stall Length	E Aisle Width	F Unit Width
0	8.5	8.0	20	10	26
	9.0	8.5	24	12	29
45°	8.5	17.0	18	13	47
	9.0	19.5	24	13	52
60°	8.5	18.0	18	15	52
	9.0	21.0	24	18	60
75°	8.5	17.5	18	19	54
	9.0	21.0	24	20	62
90°	8.5	16.0	18	22	54
	9.0	19.0	24	24	62

Standard stall size is 9 ft x 19 ft. When required, wheel stops shall be located 2 ft from the head of the parking stall. Compact stalls are 8.5 ft x 18 ft.

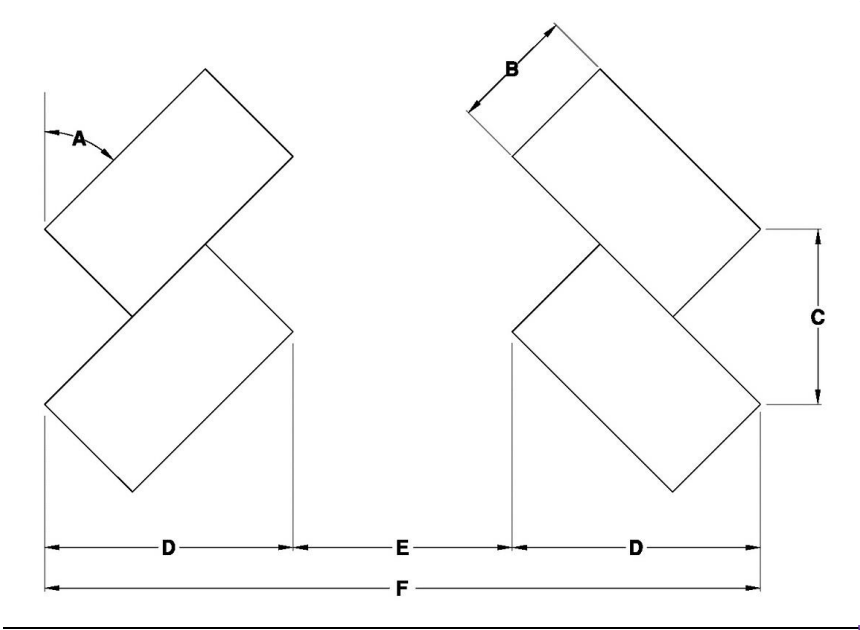
Commented [DT21]: Compact space size - 8.5 x 18

~~Reduced aisle width is for one-way traffic only. If two-way traffic is proposed, then the minimum aisle width is 22 feet.~~

~~The two figures are for compact cars and full size cars, shown in that order for each angular parking facility.~~

	<u>Parrallel (A)</u>	<u>45 degree (A)</u>	<u>60 degree (A)</u>	<u>90 degree (A)</u>
<u>Stall Width (B)</u>	<u>9 ft</u>	<u>9 ft</u>	<u>9 ft</u>	<u>9 ft</u>

<u>Stall Length (D)</u>	<u>21 ft</u>	<u>19 ft</u>	<u>19 ft</u>	<u>19 ft</u>
<u>Aisle Width for 1-way traffic (E)</u>	<u>12 ft</u>	<u>13 ft</u>	<u>15 ft</u>	<u>22 ft</u>
<u>Aisle Width for 2-way traffic (E)</u>	<u>12 ft</u>	<u>13 ft</u>	<u>18 ft</u>	<u>24 ft</u>



Commented [DT22]: If we redraw this graphic – could delete C and F. Is D showing the correct line?

19.51.060 Parking for Unspecified Uses.

~~Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Director. Such determination shall be based upon staff investigation, parking requirements for comparable uses, and comparative data as may be available and appropriate for the establishment of minimum parking requirements.~~

Commented [DT23]: Added above the table.

19.51.070 Reduction of Required Spaces **When Effective Alternatives to Automobile Access are Proposed.**

~~Upon demonstration to the Planning Director that effective alternatives to automobile access are proposed to be implemented, the director may reduce by not more than forty percent the parking requirements otherwise prescribed for the use or combination of uses, except those listed below, on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand effectuated by such alternative programs. Alternative programs which may be considered by the director under this provision include, but are not limited to van pooling, ride matching for carpools, and provision of subscription bus service.~~

Commented [DT24]: Removes the senior housing incentive

- ~~A. Retirement Apartments. Approved building plans shall show two parking spaces per dwelling unit. Installation of up to fifty percent of the required spaces may be deferred by the Planning Director, and held in reserve as landscaped area. Installation of the deferred parking space and landscaping will be required at such time the building is no longer used as a retirement apartment. A performance bond or alternate surety may be required in the amount of one hundred and fifty percent of the cost of the deferred improvements to assure installation at a future date.~~
- ~~B. Retirement Housing. The requirement of one space per dwelling unit may be reduced to no less than one space for every three dwelling units as determined by the Planning Director. The determination shall be based on the following:~~
- ~~1. Demonstrated availability of private, convenient, regular transportation services to meet the needs of the retirement apartment occupant;~~
 - ~~2. Accessibility to and frequency of public transportation;~~
 - ~~3. Direct pedestrian access to health, medical and shopping facilities.~~

19.51.080 Mixed Occupancy.

A. Mixed Occupancy and Shared Parking.

1. In the case of mixed occupancies in the building or of a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses **unless provisions for shared parking are utilized**. ~~computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.~~

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19.51.090 Joint Uses

The Planning Director may, upon application of the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

- A. Up to fifty percent of the parking required for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, auditoriums, churches or other similar primarily nighttime use may be supplied by the off-street parking by other uses as approved by the Planning Director.
- B. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use consider to be primarily a nighttime use or vice versa, PROVIDED that the reciprocal parking area shall be subject to the conditions set forth in set forth in Section 19.51.100, Conditions for joint use;
- C. Up to one hundred percent of the Sunday and/or nighttime parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities required for the school use, PROVIDED, the reciprocal parking area shall be subject to the conditions set forth in set forth in Section 19.51.100, Conditions for joint use; and
- D. For purposes of this section, the following uses are typical daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings. The following uses are typical nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and taverns.

2. The amount of off-street parking required by this chapter may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided the following requirements are met:
- a. i.—Parking for each use is utilized at different times of the day;
 - b. ii.—The shared parking facility is within 1,000 feet of the use(s) deficient in parking as measured by a pedestrian walkway between the shared parking facility and generator;
 - c. iii.—The total number of parking spaces is not less than the minimum required spaces for any single use;
 - d. iv.—The applicant submits a parking generation study demonstrating to the director's satisfaction that the resultant parking will be adequate for the anticipated uses; and
 - e. v.—A shared parking agreement specifying respective rights and/or operating times is signed by all participants and the director and filed in the county auditor's office.

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Commented [DT25]: 200 ft? Our existing shared section indicates 150 ft.

19.51.100 Conditions for Joint Use.

- A. ~~The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred and fifty feet of the parking facilities;~~
- B. ~~The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed; and~~
- C. ~~Parties concerned in the joint use of off-street facilities shall submit a proper written agreement defining the conditions of the joint use for review and approval of the Planning Department and City Attorney.~~
- D. ~~In the event of a change in ownership or use, the joint use instrument may be terminated upon mutual agreement by all parties if reviewed and approved by the Planning Director. The existing and/or new uses shall comply with all parking and landscaping requirements of the City of Lynden for said uses.~~

19.51.110 Loading Space.

~~On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public uses of the streets or alleys. The space, unless otherwise adequately provided for, shall include a ten foot by twenty-five foot loading space, with fourteen foot height clearance for every 20,000 sq. ft., or fraction thereof, of gross building area used or land used for above mentioned purposes.~~

The space shall be so situated that no part of a truck or van using the loading space will project into the public right-of-way.

Commercial and industrial uses that require delivery, shipping and/or the loading and unloading of goods and materials shall provide adequate on-premise loading areas which do not project into the public right-of-way.

- A. The loading-space areas shall be at least 10 ft by 25 ft with 14 ft of clearance, for every 20,000 sq ft, or fraction thereof, of gross building area.
- B. Loading areas shall not be used to meet general parking requirements.
- C. Loading areas shall be striped or signed as loading areas.

19.51.120 Parking Lot Surfacing Requirements.

- A. Before an occupancy permit is issued, All required off-street parking areas for commercial or industrial uses— not including vehicle or agricultural implement display areas - shall be graded and ~~before occupancy permit for the building use is issued,~~ surfaced to standards for permeable pavement, asphaltic concrete or other surfacing material sufficient to eliminate dust or mud. All parking and display areas must provide for proper storm drainage and allow for making of stalls and installation of other traffic control devices as set forth by the Director of Public Works and this chapter.

Commented [DT26]: These 2 sentences are difficult to understand.

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- B. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows. Pedestrian walks shall be curbed or raised six inches above the lot surface. Once installed, they shall be maintained in good condition.

19.51.130 Illumination.

Any lights to illuminate any public parking area, any semi-public parking area, or ~~used car or equipment~~ sales area ~~permitted by this ordinance~~ shall be arranged so as to reflect the light away from any dwelling unit and the public right-of-way. Approval shall be obtained from the State of Washington Department of Transportation and/or the Director of Public Works for any lights which flash or blink, simulating traffic signals.

19.51.140 Landscaping Requirements for Parking Areas.

Landscape plans for parking areas shall conform to applicable sections of LMC 19.25.070 and LMC 19.61 and are to be approved by the Planning Department.

19.51.150 Handicapped Parking.

Handicapped parking shall be installed in accordance with the "Regulations for Barrier-Free Facilities" as adopted by the Washington State Building Code Advisory Council or 2% of the required parking stalls, whichever is greater. Handicapped parking stalls do not count toward the total required parking stalls for residential development.

19.51.160 Special Conditions for off-street parking in Downtown Lynden.

The Historic Business District (HBD) and downtown Lynden is a special district that ~~has~~ was initially developed ~~over a period of time, including times~~ when there were ~~no few~~ parking requirements. To encourage remodeling and site improvements, it is recognized that special considerations are required. The following parking exceptions are made for an area described below from the Judson Street Alley ~~to the alley between Front Street and Grover Street~~ and between 1st 2nd Third Street and 8th Seventh Street:

- A. Renovation of any building in the ~~historic business district HBD in existence on or before July 1, 2002, for commercial or residential purposes~~, shall be exempt from meeting the parking requirements of Section 19.51.030 ~~provided, however,~~ if the renovation adds gross floor area to the building, the additional gross floor area ~~shall be considered new commercial or residential construction and~~ shall be subject to the parking requirements listed in section 19.51.160(B) and (C) below. Renovations which decrease gross floor area shall not be eligible for any parking credit or reimbursement.
- B. The parking requirement for all new commercial construction within the area north of Judson Alley, south of Grover Street, west of ~~1st 2nd Third~~ Street and east of ~~8 7~~th Street, shall be one off-street parking stall per 500 square feet of gross floor area, or any fraction thereof.
- ~~1.~~ 1. ~~Instead of providing the required off-street parking, the owner may choose to pay a fee for every parking stall required by this ordinance that cannot be supplied. The fee shall be set by resolution and placed in a special~~

Commented [DT27]: Should this be added to the code?

Commented [HG28R27]: Yes, but just to multi-family residential projects. I noted the requirement in the table.

Commented [DT29]: Is this still an option? If not, delete (a)

Commented [HG30R29]: This needs additional clarification if it is to stay.

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fund by the City of Lynden for the purchase and/or development of additional off-street parking facilities, or for repair or alteration of existing city owned off-street parking.

2. ~~C.~~ All new residential construction in the area defined in this subsection ~~(B) above~~ shall be required to provide one off-street parking space per residential unit. Off-street parking for new residential uses shall be located within three hundred (300) feet of the dwelling unit.

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- D. ~~Any new building erected in the historic business district on a lot in place of a building in existence on or before July 1, 2002 on the same lot, shall be granted a credit toward satisfying the parking requirement set forth in this section. The amount of the credit shall be determined by subtracting the gross floor area of the previously existing building from the gross floor area of the new building constructed in its place on the same lot. The resulting difference in gross floor area shall be the gross floor area from which the parking requirement is determined in accordance with Sections 19.51.160(B) and (C) above; provided that, if the gross floor area difference is a negative number because the new building is smaller, the City shall not be liable for any reimbursement or additional credits. Parking credits shall not be transferable between lots.~~

Any new building in the HBD that replaces an existing building shall receive a credit for the parking requirements that were in place for the existing building. The credit shall be determined by subtracting the gross floor area of the previous existing building from the gross floor area of the new building constructed on the same lot, provided that the new building is not smaller than the old building.

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