

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 April 20, 2022

Roll Call

Approval of Minutes

- [1.](#) Approval of CDC Minutes of 2/23/22

Discussion Items

- [2.](#) Establishing City Policy on 3rd Party Review of Bldg Permits
- [3.](#) Mixed-Use Code Amendment - Draft Code Language

Next Meeting: May 18, 2022

CITY OF LYNDEN

PLANNING DEPARTMENT
Heidi Gudde – Planning Director
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COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM February 23, 2022
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council Members: Kyle Strengtholt, Brent Lenssen, Gary Bode

Staff: Dave Timmer, Heidi Gudde, John Williams

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 1/19/22

3. DISCUSSION ITEMS

- a. Mixed-Use Zoning Code Amendment

Review of Survey Results. Committee and staff reviewed the survey results and conclusions from an online stakeholder survey conducted after the last CDC meeting. Many of the respondents own commercial property or manage rentals within the City. The Committee discussed the survey conclusions which generally indicated strong support of medium to high density housing near existing commercial centers. Results suggested that these sites be maximized with housing units with few commercial requirements or reservations of open / recreational space. The Committee, while interested in the survey results, noted that most respondents stand to profit from higher densities and fewer design requirements. Council members indicated support for on-site amenities enhance the quality of life within the multi-family developments. Noted that in today's housing market renters may include young families that are not able to purchase due to property costs. This creates a wider demographic of renters within multi-family housing developments.

Parcel by Parcel Review. Gudde presented maps which she had created to generally illustrated which properties would become eligible for the mixed-use overlay under the current proposal. Gudde explained that the proposed criterion for eligibility is: properties that have a CSL or CSR zoning, are within ¼ mile of an existing qualifying commercial center, and are at least 1 acre in size (or 1 acre of common ownership).

The Committee also reviewed which parcels would be candidates for transitioning to residential land uses. Some areas that would transition to residential land uses would become legal non-conforming because of the way the building was constructed or because businesses already exist on the property.

The group discussed the potential need for buffers between industrial and these mixed-use properties. The group also discussed the criteria associated with mixed-use eligibility and what constitutes a “qualifying commercial center”. Drafted criteria include centers which have a minimum of 30,000 sf of commercial space and at least 8 commercial entities which are open to the public.

West Lynden annexation area was reviewed as well. Proposed changes here would be established through an amendment to the Future Land Use Map in the City’s Comprehensive Plan. The Committee indicated support for a proposed shift of planned commercial area south of Birch Bay Lynden Road to transition to industrial and residential land uses which are in higher demand. The Committee also agreed with staff’s suggestion that the future residential areas come into the City with a lower housing density if the mixed-use ordinance is passed that allows for high density housing near commercial centers (as presented). The Committee speculated that additional support for the annexation could be garnered if properties were shifted away from the commercial land use designation. Generally, if capacity for multi-family housing is increased around commercial centers, the City may want to focus on single-family housing in other residential areas of the City to maintain the goal of providing opportunities for single-family housing.

Review of Design Standards and Potential Required Components. The group discussed some of the design requirements presented at the last CDC meeting including the division of mixed-use site and designated uses. The flex space requirement which is designed for pedestrian use but also holds area in reserve for future commercial. Also, the required open space and multi-family amenities.

The Committee agreed that mixed use developments should be required to provide usable recreational space for residents. Inaccessible critical areas (steep slopes, wetlands, etc) cannot be used to meet this requirement but could potentially reduce the required amount of recreational open space. The group also discussed the potential of reducing an open space requirement if the property was located near a public park. Noting, too, that many of the proposed eligible properties are not near public parks.

Conclusions:

- Staff will continue to draft the mixed-use overlay code consistent with the concepts presented so far.

- Staff will consider adjacent land uses, buffering, and how some of our larger ag-equipment commercial properties could be impacted. Also, considering what merit there is in preserving retail opportunities west of the Guide.
- Consider shifting the criteria associated with “qualifying commercial centers” so that the Fair Square would also be included.
- Committee is interested in adding open space requirement to multi-family developments (those not using the mixed use overlay) especially when they are not located within walking distance of a park (an RM-3 example was used) so that resident amenities such as playgrounds are provided.
- A City-lead Comp Plan Amendment will be done by the Planning Department which will collect the parcels that are shifting land uses and amendments to the future land use map for areas within the City’s UGA.
- Consider implications related to the potential conversion of commercial centers to residential uses.
- Staff will continue to move this amendment forward. Planned workshop with the Planning Commission on March 24.
- CDC will see the amendment again on the March 23rd CDC meeting.

b. Parking Code Amendment

Timmer reviewed the status of the parking code amendments which he has been working on at the CDC’s request. Proposed amendments were summarized in the meeting’s executive summary. It was noted that much of the code has been revised to be more concise and user-friendly. Changes generally remove some opportunities for parking reductions. The amendment proposes to reduce the size of a parking stall from 21 feet in length to 19 feet in length.

The Committee was supported of the proposed changes. Discussed, specifically, the change to the parking requirements north of the HBD along the Grover Street frontage. This area would benefit from reduced parking requirements as many of the structures are existing and redevelopment is difficult without the opportunity to add on-site parking.

Conclusions:

- Staff will continue to move this amendment forward. Planned workshop with the Planning Commission on March 24.
- CDC will see the amendment again on the March 23rd CDC meeting.

c. Planned Residential Development Code regarding CCR Approval (LMC 19.29.130)

Gudde introduced this topic. It relates the City's existing code on approving CCRs of new PRDs as well as a requirement to review amendments to CCRs. Legal counsel and staff are proposing that, upon formation of a PRD, staff should have an opportunity to comment on CCRs to ensure consistency with the approved PRD and City code however, that the City abstain from approving CCRs. Staff proposed that subsequent amendments to CCRs not be reviewed by the City. The City does not enforce private CCRs and has no effective means of monitoring when CCRs might be amended. Additionally, Gudde noted, it is important to consider why the City would be reviewing CCRs – simply for consistency with development standards and not in relation to voting structure, assessments, or any other private management issues.

Committee indicated support for the amendment. Staff noted that although other sections of the PRD code could benefit from an update, at this time, staff capacity limits the amendment to just this section.

Conclusions:

- Staff will continue to move this amendment forward.

Next Meeting Date: March 23, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	April 20, 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:		
Draft ordinance amending LMC 15 to establish policy on 3 rd Party Review within the Building Division		
Summary Statement:		
<p>The Building Division, at times, is in need of 3rd party support in the review of building permits either due to the complexity of the building project or due to an influx in building permit submittals.</p> <p>The attached proposed ordinance established a City policy for the use of 3rd party review and collection of associated fees. Fees are not established through this ordinance but would be brought to the Council as a resolution or through the City's budget process. Staff's goal is to include the 3rd party review fees in a unified fee schedule that would be periodically adjusted by an accepted cost index.</p>		
Recommended Action:		
Review and comment.		

ORDINANCE XXXX

**AN ORDINANCE OF THE CITY OF LYNDEN, ADDING CHAPTER 15.26,
THIRD-PARTY REVIEW FEE POLICY, TO TITLE 15,
OF THE LYNDEN MUNICIPAL CODE**

WHEREAS, the City of Lynden has the authority to set building permit fees pursuant to Lynden Municipal Code 15.02.060.B; and

WHEREAS, the City of Lynden's Planning and Community Development Department (the "Department") has seen a significant increase in applications for building permits in recent years, which has put increasing pressure on the Department to review the number of applications; and

WHEREAS, the Department has contracted with a third-party consultant to review some building permit applications, including the required plans and reports, to ensure a timely review and response to applicants; and

WHEREAS, building permit applications are referred for outside third-party consultant review based on a variety of factors including without limitation complexity of application and staff availability; and

WHEREAS, to ensure timely review of building permits now and into the future, the Department must have the ability to contract with outside consultants to carry out third-party review, as deemed necessary by the Department; and

WHEREAS, the term "Third Party Review Fee" defines the fee(s) required when outside consultant review is necessary for certain building permits, whether that is based on the complexity of the permit application or the number of permits currently pending before the Department; and

WHEREAS, in cases where third-party review is required, the applicant shall be fully responsible for all fees associated with the additional review, reflecting the actual cost of the review; and

WHEREAS, the public interest will be served by amending the Lynden Municipal Code to include the Third-Party Review Fee policy to ensure transparency and efficiency throughout the review process; and

WHEREAS, the foregoing recitals are material findings and declarations of the City Council of the City of Lynden;

NOW, THEREFORE, the City Council of the City of Lynden does ordain as follows:

Section 1. Title 15, Building and Construction, of the Lynden Municipal Code is hereby amended to include a new Chapter 15.26, Third-Party Review Fee Policy, which reads as follows:

15.26 Third-Party Review Fee Policy

15.26.010 Purpose.

The City of Lynden may, at the discretion of the Planning Director, require a third-party review of any building permit application submitted under Title 15 by an outside consultant.

15.26.020 Procedure for determining if third-party review is required.

The Planning Director may determine that third-party review is required to ensure timely review of an application, to best achieve compliance with the standards and guidelines of the code or other appropriate rules and regulations, or for any other reason in the best interest of the City.

15.26.030 Selection of Third-Party Consultant.

When third-party review is initiated, the Planning Director may select an outside consultant under contract with the City for providing review of building permit applications.

15.26.040 Fees and Costs.

All cost incurred from an outside third-party consultant reviewing a building permit application shall be the sole responsibility of the applicant. The cost incurred shall be based on the actual cost to the City for review services provided by such outside consultant, consistent with council resolution.

15.26.050 Notice and Deposit for Third-Party Consultant Review.

Once the need for third-party review is determined, the City shall send by registered U.S. mail or deliver in person, written notice thereof to applicant, including a statement of the total estimated actual cost of review, to be required as a deposit. The City shall require full payment from the applicant of said deposit prior to commencement of third-party review. Upon exhaustion of any deposit, the City may cease work on the application and require the applicant to remit an additional deposit to recommence third-party review. Any funds remaining in an applicant's deposit account following completion or termination of review shall be refunded to applicant.

Section 2. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise

invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. This Ordinance shall be in force and effect five (5) days from and after its passage, approval, and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN BY AN AFFIRMATIVE VOTE, _____ IN FAVOR _____ AGAINST AND SIGNED BY THE MAYOR THIS _____ DAY OF _____ 2022.

MAYOR

SCOTT KORTHUIS

ATTEST:

CITY CLERK Pamela D. Brown

APPROVED AS TO FORM:

CITY ATTORNEY Robert A. Carmichael



CDC Meeting Date:	April 20, 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:		
Summary of Proposed Changes, Redlines of sections of LMC 19		
Summary Statement:		
<p>At the January 19th and February 23rd CDC meetings the concepts for a revision to the City's code on mixed-use projects were presented and discussed.</p> <p>Since that time the Planning Department has held a workshop with the Planning Commission to discuss the concepts and collect feedback. The attached draft redlines of the sections of code pertaining to the addition of a Mixed-Use Centers Overlay have been started.</p> <p>Revisions to code have expanded to include needed changes to other sections of code. Some of these updates are housekeeping in nature while others are more substantive. A summary of proposed changes has been attached.</p> <p>Staff will be briefly covering these proposed additions and changes at the April 20th meeting and proposing a more in-depth joint workshop with the Planning Commission at the May 18th CDC meeting.</p>		
Recommended Action:		
Briefly review with staff.		

Lynden Municipal Code Amendment 2022

Accommodating a Mixed-Use Centers Overlay and other housekeeping items.

Summary of Proposed Changes as of April 20, 2022

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

- Reduce maximum density of RM-4 designation as Mixed-Use Centers will accommodate this type of density.
- Delete reference to Senior Overlay as this was not adopted into the Pepin Creek Sub-Area.
- Add the Mixed-Use Centers Overlay as a zone.

19.17 RM Multi-family Building Zones

- Reduce maximum density of RM-4 designation.
- Delete reference to Senior Overlay.
- Add reference to RM-PC. A zoning category that already exists.
- Secondary permitted uses updated to reflect State law allowing up to 8 individuals in a residential care home rather than 6.
- Adjust setbacks on RM developments to recognize that a multi building complex has variable “fronts”, “sides”, and “rear”.
- Reduce maximum units per building in the RM-4 zoning category as buildings of this scale are unusual and if constructed, would be done in the Mixed-Use Overlay.
- **Add requirements to provide residential amenities to multi-family developments of 8 or more units.**

19.19 MH Manufactured Home Zone

- Revise to limit development here to manufactured homes (to promote affordability).
- Allow for greater densities within an MH zone by reducing lot size.

19.22 Residential Design Standards

- General clarifications that are useful in the implementation of this section.
- **Remove requirement for a minimum roof pitch.**

19.23 Commercial Zoning

- **Addition of the Mixed-Use Centers Overlay and associated provisions.**
- Permitted uses refined to include those permitted within Mixed-Use Centers
- Clarifications made to design review process.
- Projections into the right-of-way revised to be consistent with the IBC
- Special provisions for big box stores (existing code) also applied to mixed-use centers.

19.29 Planned Residential Development Overlay

- Reference to an MPRD was deleted throughout the code. The difference between an MPRD and a PRD was negligible and confusing to applicants. (Typically every “PRD” in the city is actually an MPRD per the existing code).
- Removed definition of Gross Land Area as it was actually describing a net land area.
- Noted that accessory commercial uses can be included (i.e. Hfit in the Homestead PRD)
- Increased parking requirements.
- Removed perimeter setback as this required combined with building setback requirements was often confusing. This can be (and typically is) addressed on a site specific basis.
- Clarification regarding the approval of the final development contract and the proposed CCRs.

19.45 Design Review

- Clarification on when Design Review is required.
- Shifting the European / Dutch themed architectural requirements to only the HBD rather than city-wide.
- Recognizing an administrative design review - this gives staff the ability to use the design guidelines during the review of a building permit.

19.51 Off-Street Parking

- Removed the parking requirement reduction for multi-family developments with greater than 25 units
- Multi-family units with more than 2 bedrooms would require 1 space / bedroom. If it can be shown that there is off street parking available this could be reduced to 2 per unit regardless of number of bedrooms.
- Removed the “senior” parking incentive – update will be 2 per unit regardless of age restrictions. Assisted living institutions are treated differently.
- Removed parking reduction options for Low Impact Development (LID)
- The required handicap parking spots would not count toward the total residential development requirement.
- Reworked the shared parking standards for clarification – the update would put the onus on the applicant (through a parking study and development agreement) to show how the shared agreement will work.
- Reduced the standard parking stall size to 9 x 19, removed the compact standard so there is just one parking stall size.
- Expanded the downtown area to include the area between Judson Alley and Grover St. There are specific parking standards for this area with the intent to incentivize redevelopment in this area.

19.63 Fence Permits and Requirements

- Remove reference to the Board of Adjustment
- Revise commercial fence standards to prevent 12 foot chain link fencing on CSL and CSR properties.

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		
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>

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

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)~~

- 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;

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.

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 (sq. ft.)	Lot Coverage	Open Space Required	Height	Minimum Yard Setbacks in Feet			
					Side Yard			
				Feet	Front Any Building Front or Side Elevation oriented toward Primary	Building Rear Elevation	Minimum Building Side Elevations not oriented toward Primary	Total of Building Side Elevations not oriented toward Primary

					<u>Street Frontage</u>		<u>Street Frontage</u>	<u>Street Frontage</u>
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)

Title 19 - ZONING
Chapter 19.19 MH MANUFACTURED HOME ZONE

Chapter 19.19 MH MANUFACTURED HOME ZONE²

19.19.010 Established.

There is established the MH—Manufactured Home Zone and the standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 1581, § B, 6-3-2019)

19.19.030 Primary permitted uses.

- A. The primary uses permitted in the MH—Manufactured Home Zone is manufactured homes, and manufactured home parks, as provided in this chapter, subject to the minimum standards and conditions set forth in this chapter and within Chapter 18.22.
- B. Site built, detached single family dwelling units are also considered a permitted use within the MH zone ~~if originally constructed prior to January 1, 2023. , provided that the total number of site built houses does not exceed twenty percent of the total units within the manufactured home park or development.~~
- C. Mobile homes as defined in Section 17.01.030 LMC are prohibited.

(Ord. No. 1581, § B, 6-3-2019)

Commented [HG3]: Prohibit new site-built homes in MH zones to ensure that the intent of MH zones is maintained.

19.19.040 Accessory permitted uses.

The accessory uses permitted in the MH zone are as follows:

- A. Private garages.
- B. Carports.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. A maintenance building containing equipment and tools for owners of manufactured homes that are necessary for the repair and preservation of a manufactured home.

(Ord. No. 1581, § B, 6-3-2019)

²Editor's note(s)—Ord. No. 1581, § A, adopted June 3, 2019, repealed Ch. 19.19., §§ 19.19.010—19.19.170, and enacted a new Ch. 19.19 as set out herein. The former Ch. 19.19 pertained to similar subject matter. Please refer to the Code Comparative Table for full derivation.

19.19.050 Secondary permitted uses.

The secondary uses permitted in the MH manufactured home zone are as follows:

- A. Community laundry facilities used by the residents of the park or development.
- B. Community buildings for the residents of the park or development. These buildings may contain offices, recreational facilities and meeting halls.
- C. Private swimming pools, as provided in Chapter 15.16 in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.

(Ord. No. 1581, § B, 6-3-2019)

19.19.060 Maximum density.

The maximum density of a manufactured home park or development in the MH Zone shall not exceed ~~six~~eight units per ~~gross~~-acre.

(Ord. No. 1581, § B, 6-3-2019)

19.19.070 Minimum width of individual space.

No manufactured home space in the MH Zone shall be less than forty-five feet in width.

(Ord. No. 1581, § B, 6-3-2019)

19.19.080 Manufactured home construction requirements.

- A. Manufactured homes must meet or exceed all Federal and/or State requirements.
- B. Manufactured homes placed within the city of Lynden must meet the definition of a manufactured home as defined in Section 17.01.030 of the Lynden Municipal Code.

(Ord. No. 1581, § B, 6-3-2019)

19.19.090 Height, area, setback and bulk requirements.

The following provides regulations for height, area, setbacks & bulk requirements:

Minimum Lot Size (sq. ft.)	Lot Coverage	Height		Yard Setbacks in Feet			
		Feet	Story			Side Yard	
				Front	Rear	Minimum	Total
4,200 <u>3,600</u>	40%	25	2	20 <u>15</u>	20 <u>15</u>	7	15 <u>7</u>

(Ord. No. 1581, § B, 6-3-2019)

19.19.100 Manufactured home park—Individual space boundary requirements.

The boundaries of each manufactured home space in a manufactured home park shall be clearly defined and marked by a fence, planting or other suitable means approved by the planning director, or by clearly visible, permanent markers at each corner of the space. For the purposes of this code, this boundary will be considered a property line.

(Ord. No. 1581, § B, 6-3-2019)

19.19.110 Manufactured home park—Automobile parking requirements.

There shall be provided at least two automobile parking spaces for each manufactured home space, plus one additional automobile parking space for every five manufactured home spaces or any portion thereof for guests, visitors, service vehicles and additional automobiles of the tenants of the park.

(Ord. No. 1581, § B, 6-3-2019)

19.19.120 Manufactured home park—Development standards.

See Chapter 18.22 of the Lynden Municipal Code.

(Ord. No. 1581, § B, 6-3-2019)

19.19.150 Manufactured home park—Landscaping.

Privacy landscape buffers shall be required around the entire perimeter of the manufactured home park as required under Chapter 19.61 - Landscaping and Chapter 18.22- Manufactured Home Park and Subdivision Standards.

(Ord. No. 1581, § B, 6-3-2019)

Title 19 - ZONING
Chapter 19.22 RESIDENTIAL DESIGN STANDARDS

Chapter 19.22 RESIDENTIAL DESIGN STANDARDS

19.22.010 Establishment, relief, and purpose.

- A. Establishment and Relief. There is established therein residential design standards and regulation by which residential structures may be permitted and maintained.
1. Relief from the required standards must be sought through the variance process.
 2. Variance requests which relate specifically to site design development standards described in Section 19.22.020 shall be submitted to the hearing examiner consistent with Chapter 19.47 LMC.
 3. Variance requests which relate specifically to the residential design criteria described in Section 19.22.030 through 19.22.050 shall be submitted to the Design Review Board consistent with LMC 19.45.035.
- B. Purpose.
1. The essential purpose of the residential design standards to ensure that new developments meet and maintain a number of objectives that strive to promote orderly community growth and protect and enhance property values for the community as a whole.
 - a. To soften and enhance the built environment using yards and green space, to incorporate inviting pedestrian scale elements into all residential construction, and to provide adequate parking areas.
 - b. To create high-quality communities that have variation of architectural style and durable materials.
 - c. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.
 - d. To enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements. Also, to enhance safety and function of residential properties through appropriate exterior lighting, addressing, and fencing.
 2. Residential design standards also seek to encourage low impact design (LID) techniques such as rain gardens, xeriscape, or pervious pavement to minimize adverse impacts on the natural environment.

(Ord. No. 1582, § A, 6-3-2019)

Commented [HG4]: Updated with Ord 1615

Commented [HG5]: Corrected with Ord 1615

19.22.020 Site design—Setbacks, yards, building orientation, and pedestrian connections.

Objective - To soften and enhance the built environment using yards and green space, to incorporate inviting pedestrian scale elements into all residential construction, and to provide adequate parking areas.

A. Lot coverage.

1. Lot coverage is limited by zoning category.
2. 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.

B. Building Orientation.

1. On corner lots, the primary pedestrian entrance to the building shall be from the designated front yard. However, the primary pedestrian entrance and address may be oriented to the designated side yard if both side yard setbacks are fifteen feet from property line to living area.
2. The side yard used for a driveway shall not be less than ten feet in width.
3. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance is obvious from the street or access easement which serves as its primary point of access.

C. Setbacks. Minimum setbacks are outlined in each zoning category.

1. All setbacks are measured from the property line to the foundation.
2. Eaves and cantilevered architectural features such as bay windows may encroach into the setback a maximum of two feet.
3. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.
4. Additional fire protection may be required for structures located within 10 feet of each other.
5. It is the property owner's responsibility to have the property lines clearly marked for inspection.
6. On corner lots in the RS-72 zone, one of the corners may be considered as a side yard, provided that the yard considered as a side yard shall not be less than ten feet.
7. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.

D. Garage Setbacks from Property Lines.

1. On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty-five feet.
2. In ~~RS-84 and RS-100~~all residential zones an attached garage may be built as close as the minimum zoning allowance to the side property line provided the living area setbacks total the requirement for that zoning category. ~~seven feet to the side property line provided the living area side setbacks total twenty-two feet from the building foundation to the property line.~~
3. ~~In RS-72 and RMD zones an attached garage may be built as close as seven feet to the side property line provided the living area side setbacks total seventeen feet from the building foundation to the property line.~~

E. Pedestrian Connection.

1. Sidewalk connections must be provided in all residential zones.
2. In all RM zones, primary sidewalks must be a minimum of five feet clear width without encroachment of vehicle overhang.
3. In RM zones sites must include pedestrian walkways which provide connection to common green spaces and public sidewalks. Cross walks provided as needed in parking areas and along streets.

(Ord. No. 1582, § A, 6-3-2019)

19.22.030 Residential architecture and attached garages.

Objective - To create high-quality communities that have variation of architectural style and durable materials. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

A. Residential Structure.

1. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.
2. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.

B. Building Height.

1. Building height is regulated by zoning category.
2. On lots greater than ten thousand square feet in size, the height of a residential structure may be increased one foot for every two feet in increased setback distance beyond the minimum setback on both side yards and the front yard, to a maximum height increase of five feet, or total height of thirty-seven feet.

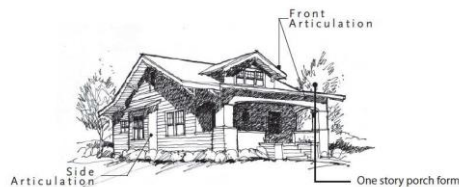
C. Roofs.

1. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal.
2. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
3. Using a membrane roof or built up roofing (BUR) for the primary roofing material is not permitted.
- ~~4. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.~~

Commented [HG6]: Proposed deletion of this standard.

D. Building Elevations and Finishes.

1. Residential Elevations.
 - a. The same architectural elevation shall be separated by a minimum of two other homes ~~and may not be located directly across the street from each other.~~
 - b. An articulation is an architectural element such as a one-story porch or bay window. One such element shall be used on all sides of the building that face toward a public street, shared access easement, or common green. The articulation shall be offset a minimum of twelve inches. A garage setback shall not count as an articulation.



2. Garage Elevations. To promote an attractive, pedestrian-friendly streetscape, attached garages accessed from the front, with garage doors oriented toward the street ~~or a shared parking lot of a multi-family complex~~ are subject to the following standards:
 - a. At the ground level, the garage façade shall not extend forward of the ~~home's~~ living space by more than twelve feet.
 - b. The lineal frontage of the building elevation which can be occupied by garage doors is limited.
 - ~~1. c.~~ In RS zones, no more than fifty percent of the building elevation can be garage doors.
 - ~~2. d.~~ In RMD and RM zones, no more than sixty percent of the total first floor building elevation length can be garage doors.

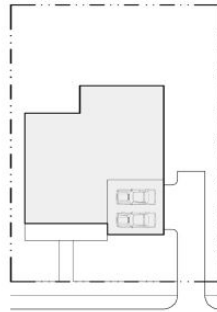
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~~d. Attached garages or attached carports which provide a third covered or enclosed space (all adjacent to one another) must be offset a minimum of 2 feet from the first two covered or enclosed spaces.~~

Commented [HG7]: Corrected location - moved from section below and applied to all residential zones.

3. Exterior Finishes.

- a. The exterior of the home must be finished with a minimum of two types of materials or variation in reveals.
- b. Exposed fastener metal siding is prohibited on residential buildings.
- c. Exposed ends of stone and masonry façades are not permitted and must be finished with trim or end caps.
- d. All garage sides that are visible from streets or shared access easements shall provide architectural details and trim consistent with the design of the home.



Side Loaded Garage

~~e. In RS zones, attached garages or attached carports which provide a third covered or enclosed space must be offset a minimum of two feet from the first two covered or enclosed spaces.~~

Commented [HG8]: Moved to section on Garage Elevations

E. Porches, Stoops, Decks, and Patios.

1. Porches and stoops.

- a. Architecture of the primary pedestrian entrances must include cover from the elements. Eave overhang alone does not constitute cover.
- b. Steps used to access front porches or stoops must be complimentary to the primary structure through the use of coordination materials or architectural elements.
- c. Stairs with open risers are not permitted on front porches or stoops.

2. Decks and patios.

- a. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line.
- b. Roof structures covering decks or patios are permitted within the rear setback provided that the structure:
 - (1) Remains open on three sides;
 - (2) Does not come within eighteen feet of the rear property line;
 - (3) Does not encroach more than two feet into the side yard setbacks of the underlying zone; and,
 - (4) The addition does not exceed the permitted lot coverage.
- c. Deck or patio privacy screening or fencing which is located more than 6 feet from the property line, may be up to eighty-four inches in height above the lowest grade. Privacy screening of a deck or patio which is located on a property line is subject to maximum fence height of six feet above grade.

(Ord. No. 1582, § A, 6-3-2019)

19.22.040 Detached garages and accessory structures.

Objective - To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than twenty-four inches. Additional fire protection may be required for structures located within ten feet of each other.

A. General Requirements.

1. All accessory structures, whether defined in this title or not, shall conform to the requirements of the International Building Code. (Currently appears in MH bulk standards)
2. Architectural style of a detached garage, shop, or shed must match the style of the primary structure. However, agriculturally themed structures such the roofline of a traditional barn may be permitted. Also, this standard is not applicable to greenhouses or open-sided structures intended only to cover recreational vehicles.
3. All accessory structures, including carports, must utilize roofing material which is compatible with the primary structure.
4. Any structure intended to be established and remain for more than seventy-two hours and, as outlined in LMC 15.04.010, exceeds one hundred twenty square feet in area must obtain a building permit.

B. Accessory Structure Setbacks.

1. Detached garages may be located a maximum of twelve feet forward of the first floor living space of the home but are subject to front setback required by the underlying zone. Storage sheds or other accessory structures not used as a garage are not permitted forward of the front façade of the home.
2. A detached accessory structure or garden shed located in a rear may not be built closer than six feet to the side or rear property line including property lines abutting alleys with a maximum eave of twenty-four inches. Structures less than 120 square feet must be setback a minimum of 3 feet from the side and rear property line.
3. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street.
4. Garages accessed from alleys with garage doors facing the alley must be setback a minimum of twenty-one feet in all RM zones and setback twenty-five feet in all RS zones.

C. Accessory Structure Height.

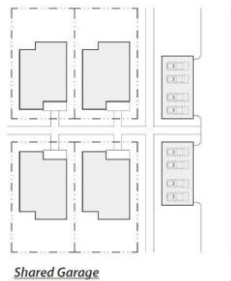
1. The maximum height for all accessory structures shall be twelve feet, except for detached garages, shops, and detached accessory dwelling units (ADU) as noted below.
2. The maximum height of any detached garage that is serving as the primary garage, a secondary garage, shop with an overhead door, or detached ADU shall be eighteen feet, provided however that
 - a. The setback shall be a minimum of six feet from the side and rear property line,
 - b. Structures serving as secondary garages or shops are set behind the rear line of the house,
 - c. The roof pitch and siding shall be consistent with the primary structure on the lot,
 - d. There is no living space within the building except as permitted with a legal accessory dwelling unit (ADU) and larger setbacks as outlined in Chapter 19.20, and
 - e. The height of the building does not exceed the height of the primary structure.

D. Accessory Structure Area.

1. In MH zones, no detached garage shall exceed one thousand square feet of inside floor area or exceed square footage of the primary structure.
2. In RMD and RS zones, no detached garage or accessory building footprint shall exceed one thousand square feet or ten percent of the lot area, whichever is greater; provided however, that the floor area of the accessory building does not exceed the

floor area of the primary residence or three thousand square feet, whichever is more restrictive

3. Shared attached garages and carports are permitted in RM zones ~~and within the Pepin Creek Senior Overlay~~. Shared garages shall have a maximum of four parking stalls and not exceed forty-four feet in width. (see graphic)



4. Detached carports are permitted to accommodate no more than four vehicles and are limited to a maximum of forty-four feet in width.

(Ord. No. 1582, § A, 6-3-2019)

19.22.050 Landscape, fences, screening, and lighting.

Objective - To enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements. Also, to enhance safety and function of residential properties through appropriate exterior lighting, addressing, and fencing.

A. Landscape, Fences and Screening.

1. Landscape. Refer to Chapter 19.61 for full description of Residential Landscape Requirements.
2. Fences.
 - a. Fences shall not be built closer than three feet to the property owner's side of the sidewalk for front yards and for street side yards on corner lots. If there is no curb and/or sidewalk, the fence shall be set back a minimum of three feet from the front property line and the street side property line on corner lots. When solid privacy fencing is installed, landscape material, such as groundcover, shrubs, or hedge material must be planted and maintained within this three foot setback.
 - b. Refer to Chapter 19.63 for full description of Residential Fence Standards.
3. Screening.

Title 19 - ZONING

- a. In RS zones, trash and recycling containers shall be stored in side or rear yards or within enclosed garages.
- b. In RM zones, trash and recycling containers shall be stored in side or rear yards, or within enclosed garages, or in screened enclosures as approved by the design review board during site plan review.
- c. Except for public utilities, mechanical equipment shall not be located in front yards.
- d. All mechanical equipment, including roof mounted, must be screened so as not be to visible from the street, shared access easement, and common green spaces. Screening can be accomplished by fencing, architectural screening, or evergreen landscape material. Equipment to be screened includes, but is not limited to, heating and air conditioning units, venting associated with commercial grade cooking facilities, and any mechanical equipment associated with pools or hot tubs.
- e. In RS zones, the base of exterior mechanical equipment must not exceed the height of the finished floor elevation.
- f. Recreational vehicles may only be stored on RS zoned properties consistent with LMC 19.15.030.

B. Street trees.

1. Street trees are required at the time of plat as outlined in Chapter 18. Additionally, the installation or replacement of street trees may be required to this standard when building permits are sought for additions, decks, remodeling, or the construction of accessory structures.
2. Street trees must be from the city's approved street tree list.
3. Street trees located under utility lines must be species which will not conflict with overhead lines even when reaching maturity.
4. Street trees must be installed with root barrier protection as specified in the Engineering Design Standards.
5. Street trees shall be a minimum caliper of one and one half inch at the time of installation except that small trees used under overhead lines shall be a minimum a caliper of one inch. Refer to the city of Lynden Engineering Design Standards for a full description of street tree requirements.

C. Lighting.

1. All front entry ways shall have an exterior light.
2. In multi-family housing projects exterior lighting must be installed with a timer or sensors so that it operates automatically regardless of occupancy.

Title 19 - ZONING

-
- 3. Light that is broadcast beyond the intended area and illuminates neighboring windows or beyond the lot boundary is not permitted.
 - D. Addressing. To facilitate first responders in the event of an emergency, address numerals on all residential structures must be located near exterior lighting and in an area which is plainly visible when approached from the primary access point.
 - E. Front and Side Yard Uses.
 - 1. Front yards, not part of a paved driveway or designated parking area, shall be used for ornamental purposes only.
 - a. No storage sheds, portable storage tents, temporary canopies or other similar structures may be located within the front yard; provided however that portable canopies or tent structures may be used during events or yard sales but must be removed within seventy-two hours of the sale or other event.
 - b. Parking of vehicles or utility trailers on lawn or landscape areas of a front yard or a side yard adjacent to a public right-of-way is not permitted.
 - 2. Front yards may be used for low impact development (LID) infiltration best management practices (BMPs).
 - 3. Front yard setbacks may not be used for the storage of boats, campers, or any recreational vehicle. Refer to 19.31.020.
 - 4. To reduce the visual impact of parking areas in RM zones, including RMD, a minimum of fifty square feet of landscaped area per unit must be located between the façade of the structure and the nearest public right-of-way unless otherwise approved by the design review board. This applies to both side and front yards.

(Ord. No. 1582, § A, 6-3-2019)

Chapter 19.23 COMMERCIAL ZONING³

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

³Editor'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	MUC Overlay (1)
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(98)	<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 [HG11]: Added Flooring to Home furnishing

Commented [HG12]: 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)	NP(5)	<u>P(5)</u>

Commented [HG13]: Added to Studios

Commented [HG14]: 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 [HG15]: Moved to Studios

Commented [HG16]: Moved to Offices – professional and business

Commented [HG17]: Moved to Eating / Drinking Establishments

Commented [HG18]: 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 <u>P</u>	<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 <u>P(6)</u>	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.

- 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.

- 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 distinct aesthetic character based on the Dutch and European background of the founders of the community. To preserve this character and the community's unique identity, all new construction and commercial remodels within ~~all commercial zoning districts~~ the HBD shall ~~reflect this aesthetic are~~ be 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.

Commented [HG19]: Add section re upper story balconies per the IBC

- 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~~ 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 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 compactors, 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 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

Title 19 - ZONING
Chapter 19.29 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

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. Zoning: The property zoned Commercial Services – Local (CSL) or Commercial Services - Regional (CSR)
2. 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.
3. 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.
 - b. Qualifying commercial centers are identified in the Land Use Element of the City's Comprehensive Plan and generally 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 Historic Business District (HBD)

Properties within the Historic Business District (HBD) 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.

Commented [HG20]: Should this apply to all small CSL properties or just within the HBD?

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>CSL</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>32 feet</u>
<u>CSR</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>32 feet</u>

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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.
- 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.

Title 19 - ZONING
Chapter 19.29 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

- c. Minimum of 20 feet for buildings, or portions of buildings, up to 60 feet in height.

F. 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. Can be limited to resident use only

G. 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.

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?

Title 19 - ZONING
Chapter 19.29 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

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.
- H. Flex Space Conversion.** The portion of the property designated at semi-public open space may be converted into commercial use with limited requirements to add parking.

Title 19 - ZONING
Chapter 19.29 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

However pedestrian connections must be maintained from the residential structures to any commercial use. Outdoor plaza space or wider sidewalks required.

Chapter 19.29 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY

19.29.010 Purpose.

The primary purpose of a planned residential development (PRD) ~~or master planned residential development (MPRD)~~ is to promote creativity in site layout and design, allowing flexibility in the application of the standard zoning requirements and development standards. More specifically, it is the purpose of this chapter to:

Commented [HG21]: Little to no distinction remains in the code between a PRD and an MPRD.

- A. Permit developers to use innovative methods including low impact development (LID) techniques and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the housing needs of the Lynden community and meeting the goals and policies of the comprehensive plan;
- B. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks and other public improvements through superior site design and the use of clustering;
- C. Allow development of land with physical constraints while preserving the natural characteristics of the site, including topography, native vegetation, critical areas and other natural amenities of value to the community;
- D. Encourage infill within areas of the city which are characterized by existing development;
- E. Create and/or preserve open space for recreation and the aesthetic enjoyment of residents; and
- F. Provide for the management and control of stormwater under current state and local regulations.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.020 Scope.

The provisions of this chapter shall apply to all single family residential zones, the RMD (residential mixed density) zone and all residential multi-family zones, provided that the project design includes areas of density within the overall project that are consistent with the density allowances of the multi-family zones.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1443, § A, 5-6-2013; Ord. No. 1547, § 13, 12-4-2017)

19.29.030 Definitions.

~~A. A.~~ Active Recreation: Active recreation includes "recreation, outdoor" defined in LMC 17.01.030 and trails and garden areas.

~~B. Gross Land Area: The gross land area is the land area measured in square feet excluding the area included in a floodplain or floodway identified by FEMA.~~

~~B. C.~~ Planned Residential Development: A planned residential development, (PRD), is a tract of land which is to be developed as a coordinated unit according to a detailed plan within the scope of zones permitted by this chapter to allow greater flexibility and creativity in site design.

~~D. Master Planned Residential Development: A master plan residential development, (MPRD), is a tract of land which may be developed as a planned residential development that is guided by an approved master plan and developed as a coordinated unit to allow a greater flexibility and creativity in site design.~~

~~C. E.~~ Major Community Facility: A major community facility includes recreational facilities for use by the approved master planned residential development and planned residential development.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.040 Minimum size.

The minimum area required for a PRD shall be one acre.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.050 Allowable uses.

All uses that are permitted outright or as a conditional use within the underlying zone are permitted within a PRD ~~or MPRD~~; provided that, for development of single family residences within an RS zone, at least twenty-five percent of the dwelling units within the PRD ~~or MPRD~~ shall be detached single family units.

Commercial uses which are found to be accessory and compatible with the proposed PRD may be permitted in areas specifically designated areas of the PRD.

(Ord. 1270 § B(part), 2006).

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(Ord. No. 1547, § 13, 12-4-2017)

19.29.060 Minimum development standards for PRD ~~or MPRD~~.

While development under a PRD ~~or MPRD~~ provides measures for flexibility and creativity in the development of new home sites, there are certain minimum standards that must be met to protect Lynden's character, aesthetic values and health and safety. Additional conditions or requirements more stringent than these minimum standards may be imposed as a condition of approval. The following are minimum standards applicable to all PRD ~~and MPRD~~ proposals; provided that, said minimum standards may be reduced ~~for an MPRD~~ subject to subsection J herein:

- A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.
- B. Height: Maximum height of structures when the underlying zoning is a single family or mixed density zone is thirty-five feet. The maximum height of structures when the underlying zone is a multi-family zone is forty-five feet. Building height may be extended above these limits under a master planned residential development when approved in the ~~master plan~~PRD agreement. Considerations for approval of extension of the height limit include the size of the parcel, the character ~~and scale~~ of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.
- C. Parking requirements: Parking must be provided consistent with LMC 19.51. ~~Alternate parking ratios or flexible configurations may be proposed in association with a PRD. Two parking stalls are required for each residential unit. Each twelve feet x twenty-five feet space, whether inside or outside the garage shall count as a parking stall. These are the minimum requirements and additional parking may be required as a condition of approval.~~
- D. Building setbacks: All PRD's ~~and MPRD's~~ are subject to the following minimum setbacks:
 - 1. 15-feet between the front of the house and the front property line;
 - 2. 25-feet between garage doors and the front property line;
 - ~~3. A setback of twenty-five feet around the perimeter of the development;~~
 - 3.4. There is no minimum building separation, except as provided by the International Building and Fire Codes, but such separation may be required as a condition of approval.

~~4.5.~~ Other setbacks may be required as a condition of approval.

For purposes of this section, where the "front property line" borders on a public right-of-way, said "front property line" shall be the edge of the public right-of-way or the edge of shared access easement if public right-of-way is not established.

- E. Street widths: Arterial or collector streets or streets shown within the transportation plan must be constructed to full city standards. Within a PRD ~~or MPRD~~, a reduced street section for a residential access street that is not included in the transportation plan may be permitted as follows:
 - 1. Thirty feet from face of curb to face of curb, allowing two driving lanes and room for on-street parking.
 - 2. A minimum five-foot sidewalk fronting all residences with a four-foot buffer or planting strip between the curb and sidewalk.
 - 3. Rolled curbs are not allowed adjacent to pedestrian walkways.
- F. Pedestrian Connectivity: In addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including trails within or adjacent to open space areas.
- G. Maximum lot coverage: There is no maximum lot coverage established by this overlay zone; provided that, a maximum lot coverage limitation may be imposed as a condition of approval based on consideration of the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.
- H. Unit Distribution: When a PRD ~~or MPRD~~ is used in a single family zone ~~for development of single family residences~~ a mix of housing types is permitted, however, at least twenty-five percent of the dwelling units must be detached single family units.
- I. Minimum lot size: For detached single family residences within a PRD ~~or MPRD~~, the minimum lot size shall be no less than five thousand (5,000) square feet; provided that, smaller lots or detached condominiums may be approved ~~under a MPRD~~ subject to consideration of the factors identified in subsection J herein.
- J. Where the applicant seeks to depart from the above minimum standards in the ~~MPRD~~ process, the planning commission and council shall consider the following factors and the council may in its sole discretion approve departure from one or more of said minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:
 - 1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;

2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;
3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;
4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein;
5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1443, § B, 5-6-2013; Ord. No. 1547, § 13, 12-4-2017)

19.29.070 Density bonus.

Density bonuses shall be allowed for planned residential developments and master planned residential developments according to the following provisions:

- A. When at least ten percent of the land is set aside in common open space satisfying the requirements of Section 19.29.080, a five percent bonus to the base density is allowed.
- B. When twenty percent of the land is set aside in common open space and major community facilities, as approved by the city council (i.e. a swimming pool, or club house) are constructed on the remaining land, a ten percent bonus to the base density is allowed.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1443, § C, 5-6-2013; Ord. No. 1547, § 13, 12-4-2017)

19.29.080 Open space standards.

A PRD ~~or MPRD~~ shall set aside a minimum of seven and one-half percent of the gross land area or four thousand square feet, whichever is greater, for active recreational uses. For purposes of this chapter, a "set aside" of open space shall require: (a) a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the

development by a homeowner's association; or (b) a permanent dedication of property to the City, which is accepted by the city, to hold and maintain as open space consistent with the purposes of this chapter.

- A. Location: The area proposed for open space within the PRD ~~or MPRD~~ shall be within reasonable walking distance of all dwelling units within the development. The minimum open space requirement of four thousand square feet must be met with an open space set aside at one location which shall be suitable for active recreational uses. Where the minimum requirement is greater than four thousand square feet, at least one contiguous area meeting the minimum size requirement must be set aside at one location for common open space. Any remaining open space set aside may be otherwise distributed according to the requirements of this section.
- B. Access: All dwelling units within the PRD must have legal access to the proposed open space. Open space set aside for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purposes of access and security.
- C. Types of Open Space: Land dedicated for open space should be useable for any of the following:
 1. Greenbelts that serve as a buffer between land uses (greenbelts do not include yard areas privately owned, nor do they include required landscaping surrounding a building or parking area). Open space that preserves existing native vegetation is encouraged;
 2. Low impact development (LID) stormwater best management practice (BMP) facilities;
 3. Active recreational uses, including trails and garden areas;
 4. Protecting environmentally sensitive areas.
- D. Use of Open Space: Except as provided below, a minimum of thirty percent of the required open space shall be suitable for active recreational purposes. The topography, soils, hydrology and other physical characteristics shall be of such quality as to provide an area suitable for recreation. These areas may be used for low impact development (LID) facilities.
 1. The percentage of open space required to be suitable for active recreational uses may be increased to as high as fifty percent if it is determined that anticipated recreational needs will require a larger percentage.
 2. The percentage of open space required to be suitable for active recreational uses may be decreased to as low as ten percent, if it is determined that the inclusion of the buffers or environmentally sensitive areas such as wetlands would better meet the needs of residents and/or the surrounding community.

- E. Qualification for a density bonus: The provision of improved recreational or park facilities including "recreational facilities" and "outdoor recreation" such as improved playfields, basketball and tennis courts, trails, playground facilities or picnic areas or the preservation of unique natural features such as habitats of threatened or endangered wildlife or plant species, wetlands, and environmentally sensitive areas shall qualify for a density bonus, so long as the requirements described in Section 19.29.070 are fully satisfied.
- F. Implementation: The property proposed for open space shall be shown on the PRD's master plan ~~if the applicant is following the procedure for an MPRD or site plan if the applicant is following the procedure for approval of a PRD~~ and shall be set aside for management by the homeowner's association or dedicated to the city for public use only if acceptable to the city. Maintenance and operation of open space set aside to the homeowner's association shall be the responsibility of the homeowner's association. A set aside of open space is not eligible for credit against the assessment of impact fees for parks or public recreation facilities unless it meets each of the following criteria: (a) the open space is dedicated and accepted by the city for public use; and (b) the proposed location of the dedicated open space is included in the city's adopted capital facilities plan for city park acquisition. The city, at its sole discretion may choose to accept a dedication of open space as city park property, including the maintenance and operation thereof, when the property proposed for dedication meets the following criteria as outlined in the park and trail master plan:
1. Minimum park dedication of one-half acre in size. Developments that include ten acres or more would require a minimum park dedication of one acre in size.
 2. The proposed dedication is at least one-quarter mile away from a similar facility. If the proposed facility is greater than two acres in size, it should be located at least one-half mile from another park facility.
 3. There are opportunities for expansion of smaller park areas into larger park areas as adjoining parcels develop.
 4. The proposed dedication is geographically located in an area that is projected for substantial growth during the planning period (six years) and is consistent with the provisions of the park and trail master plan.
 5. The proposed dedication has safe and convenient access from the surrounding neighborhood and parking as necessary for public use.
 6. Drainage for the proposed site is adequate.
 7. Parcel size and shape is appropriate to park development. Oddly shaped "remainders" are discouraged.
 8. There are open lines of sight at the facility for security purposes.

9. The proposed site meets the needs and desires of the community and considers the specific needs of the surrounding neighborhood.
 10. The proposed site meets state and federal accessibility requirements.
- G. Stormwater Detention Facilities: Stormwater detention facilities including low impact development (LID) facilities may be included by the City as part of the open space necessary for a density bonus, but not as part of the minimum required open space, subject to LMC Chapter 13.24 and satisfaction of the following criteria:
1. The detention facility does not provide drainage for public facilities including public streets unless all easements and drainage releases are approved.
 2. The detention facility shall be constructed so as to drain fully when precipitation is not occurring (i.e. no standing water shall be left) unless the facility is a pond designed as an aesthetic amenity.
 3. The side slope of the detention facility shall not exceed thirty-three percent, unless such slopes already exist naturally and are covered with vegetation. Where the facility has a hard surface wall or slope, the vertical drop shall not exceed twenty-four inches without fencing appropriate to the site conditions to protect public safety.
 4. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in a natural or near natural condition.
 5. The detention area shall be landscaped both in a manner consistent with maintaining high aesthetic standards and is able to withstand the inundation expected.
 6. Use of property set aside as open space area for both detention and recreation purposes shall not be acceptable if the detention area must be rendered unsuitable or unavailable for recreation use during dry weather.
 7. In the case of joint use of open space set aside (not dedicated to city) for detention and recreation, the homeowner's association shall be responsible for the maintenance in perpetuity of the facilities in the condition approved under the development contract.
- H. Rights and Duties: The owners of the private open space shall have the following rights which may be exercised in respect of such land, subject to restrictive covenants, development agreements or other restrictions:
1. The right to locate recreational facilities such as tennis courts, basketball courts, swimming pools, picnic tables designed to be used exclusively for the use of the residents of the development and their guests.
 2. The right to locate pedestrian and bicycle paths or trails.

3. The right to take whatever lawful measures are reasonably necessary to protect and maintain such land, or property adjacent thereto, or to correct a hazardous condition posing a threat to life or limb.
4. The right to locate and operate community gardens.
5. The right to regulate access to or entry on the open space land and duty to maintain such land.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.090 Submittal requirements.

- A. Submittal of a master plan application is required per the minimum development standards as noted in Section 19.29.060 above and LMC Chapter 13.24. An applicant may submit a master plan application when approval of a development concept is desired, or when the applicant wishes to submit applications for the planned residential developments in phases as noted in Section 19.29.090 below. In order to be determined complete, an application for master plan approval of a MPRD shall include the information listed below:
 1. A consolidated legal description of all parcels to be included in the master plan.
 2. A map, prepared by a qualified professional, showing the following:
 - a. The primary transportation and utility corridors,
 - b. The location of common open space, and
 - c. The distribution of housing types and densities.
 3. A narrative description of the project. Narrative must indicate the scope of private infrastructure which would become the responsibility of the home owners association. If the application seeks to modify the minimum development standards, a detailed explanation of how the development will meet the criteria listed in Section 19.29.060.10 and other applicable criteria shall be included.
 4. A completed SEPA Checklist, prepared as part of a phased environmental review under WAC 197-11-060(5).
- B. To be determined complete, an application for a Planned Residential Development must include all of the information listed below. This information may be submitted for a portion of a project with the approval of a master plan. This information shall be submitted for the entire development proposal for a project that does not use the master plan approval procedure.

1. One map showing street systems, location of utilities, preliminary plat designs and contours at five foot intervals;
2. One map showing watercourses, natural drainage patterns, unique and sensitive natural features, forest cover, and critical areas;
3. One map showing locations and sizes of areas proposed to be set aside for common open space as required in Section 19.29.080, any public buildings, and similar public and semi-public uses;
4. One map showing each of the maps indicated in subsections A, B and C superimposed upon one another.
5. Areas designated for recreational buildings, clubhouses, country club facilities and the nature and extent of such facilities;
6. Proposed building areas or phases, housing types, densities, setbacks and height.
7. A development schedule indicating:
 - a. The approximate date when construction of the project can be expected to begin;
 - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - c. The anticipated rate of development;
 - d. The approximate dates when the development of each of the stages in the development will be completed;
 - e. The area and location of common open space that will be provided at each stage;
8. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, electric lines, gas lines and telephone lines.
- ~~9. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas.~~
- ~~109.~~ The existing and proposed circulation system of arterial, collector and residential access streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.
- ~~1410.~~ The existing and proposed pedestrian circulation system, including interrelationships with the vehicular circulation system. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.

~~12~~11. A general landscaping and tree planting plan including the proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.

~~13~~12. An economic feasibility report or market analysis and a statement substantiating how the proposed PRD will be superior and provide benefit to the public beyond what is available through conventional development.

~~14~~13. The names and addresses of all persons, firms, and corporations holding interest in the property, including easement rights and drainage structures.

~~15~~14. Information on a map which shows the development in relation to the surrounding area and its uses, both existing and proposed, including land uses, zoning classifications, densities, circulation systems, public facilities and unique and sensitive natural features of the landscape.

~~16~~15. A complete environmental review package including a complete SEPA Checklist, engineered traffic impact analysis, critical areas preliminary review and other studies as required during the pre-application meeting or master plan approval.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.100 Approval process.

- A. Applications for ~~a MPRD and~~ a PRD shall follow the review and approval process listed in Chapter 17.09 of the Lynden Municipal Code. The PRD ~~or MPRD~~ shall be overlayed on the underlying zoning district.
- B. An applicant may elect to undergo either a one step or a two-step approval process for a PRD.
 1. A one step process would include the review and consideration of not only the general project concept, including its density and overall design, but also of all specific site and development regulations associated with the proposed development. This process entails review under the requirements of LMC Chapter 17.09.
 2. In a two-step process, the applicant must receive two separate city approvals under LMC Chapter 17.09. The applicant would first seek approval of a master plan and general project concepts before expending the time and resources in developing the specific site and development features of the proposal. The second approval would relate to the specific site design and development requirements defined by the approved of the master plan and would be filed with the Whatcom County Auditor's Office as noted above. Approval of a ~~M~~PRD constitutes the city's acceptance of a project design and concept. Once the master plan component of the ~~M~~PRD is approved for the site, the applicant may proceed to begin the second step: submittal

of the specific components of its development outlined in Section 19.29.090.2, Section 19.29.110 and as required during approval of the master plan. These specific design components are subject to City approval under LMC Chapter 17.09.

- a. The intent in establishing a two-step process is to ensure consistency with the city's comprehensive plan, decrease the applicant's expenditure of time and resources and promulgate a cohesive community and neighborhood aesthetic based upon the city's present and future needs.
- C. The final development contract, with all exhibits, must be ~~presented to the planning commission submitted to the Planning Department~~ for review ~~and the city council for approval~~ within one year of preliminary approval of an approved PRD utilizing the "one step" procedure in subsection 2.a above or within one year following approval of the proposal in the "second step" stage of an ~~MPRD~~ utilizing the "two step" approval procedure in subsection 2.b above.
- D. ~~This The~~ contract will include specific development requirements based on the PRD ~~or MPRD~~ approval and all special conditions and approvals applied to the property within the PRD ~~or MPRD~~. This development contract, related exhibits, and any amendment approved pursuant to Section 19.29.120.2 shall be recorded in the Whatcom County Auditor's Office. The PRD ~~or MPRD~~ shall constitute a limitation on the use and design of the site. Upon expiration of a development contract the provisions of the underlying zoning category apply.
- E. In the event there is to be a subdivision of property, dedication of streets, parks or other public lands, the final plan and approval thereof shall be subject to all ordinances and laws regulating subdivisions including Chapter 18.18 LMC, and any additional requirements therein. In the event of a specific irreconcilable conflict between this chapter and other ordinances, the provisions of this chapter shall apply to PRD ~~and MPRD~~ proposals.
- F. Covenants, Conditions, and Restrictions (CCRs) must be submitted to the Planning Department in conjunction with the final development contract to provide staff and legal counsel the opportunity to comment. However, CCRs are not subject to City approval. A recorded copy of the CCRs must be provided to the Planning Department prior to issuance of building permits on the site.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.110 Criteria for approval.

In addition to the findings of fact required for approval within Section 17.09.040, the following criteria shall be met for approval of a PRD ~~or MPRD~~.

- A. Design Criteria: The design of the PRD ~~or MPRD~~ shall achieve two or more of the following results:
1. High quality architectural design, placement, relationship or orientation of the structures;
 2. Achieving the allowable density for the subject property;
 3. Providing housing types that effectively serve the affordable housing needs of the community;
 4. Improving circulation patterns;
 5. Minimizing the use of impervious surfacing materials;
 6. Increasing open space or recreational facilities on-site;
 7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas;
- B. Perimeter Design. The perimeter of a PRD ~~or MPRD~~ shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.
- C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.120 Amendment or modification of an approved PRD ~~or MPRD~~.

- A. The final development plan may be amended administratively without notice if the application does not involve a change which would cause one or more of the following to occur:
1. Violation of any provisions of this chapter;
 2. Varying the lot area requirements by more than ten percent;
 3. A reduction of more than ten percent of the area set aside for common open space and/or usable open space;
 4. An increase in the total ground area covered by buildings by more than five percent;
 5. The applicant seeks to change the housing type from a multi-family designation to a single family designation.

6. The modification is consistent with the final PRD development contract.

- B. The final development plan may be amended through the process described in Section 19.29.100 in the following circumstances and if the amendment meets the requirements of Section 19.29.110:
1. Land may be added to the overall development plan if:
 - a. The land to be added is within the same underlying zoning; and
 - b. The addition is a logical extension of services and development and the infrastructure developed for the original development can be shown adequate to serve the additional land; and
 - c. The addition will meet the minimum standards for PRD ~~or MPRD~~ development set forth in Section 19.29.060.
 - d. The final PRD development contract has not yet expired.
 2. Changes in the parcel development requirements such as setbacks, lot coverage or other similar changes which exceed the minor modification limits in subsection 1 above.
 3. Any change in infrastructure development requirements must be listed within the final development contract.
- C. The final development plan may not be amended in the following manners unless explicitly permitted within the final PRD development contract:
1. To transfer unused density from one area of the final PRD to another;
 2. To change the housing type from single family to multi-family;
 3. To remove land from a PRD ~~or MPRD~~.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.130 Requirement for homeowner's association and restrictive covenants.

To preserve and maintain community facilities and open space, every PRD ~~or MPRD~~ shall have a homeowner's association and agreements and enforceable covenants to fund and effectively collect funds for such an organization. Said agreements and enforceable covenants shall apply to all property within the PRD ~~or MPRD~~, shall be recorded and shall run with the land, and shall be consistent with The Uniform Common Ownership Interest Act (CIOA) as required per RCW 64.90.095.

- A. The restrictive covenants and/or homeowner's association intended to be used by the applicant in a PRD ~~or MPRD~~, which purports to restrict the use of land, the location or character of buildings or other structures thereon, set aside open space, and establish provisions for the perpetual maintenance of common grounds, must submitted to the

Planning Department in conjunction with the final development contract to provide be reviewed by the technical review committee and city attorney an opportunity to comment. The city attorney will make a written report to the planning commission which shall be subject to approval by the city council, before final approval of the PRD application and recording with the county auditor.

- B. The homeowner's association authority shall be established in restrictive covenants applicable to all property within the PRD ~~or MPRD~~. Said restrictive covenants shall provide, inter alia, for the assessment, collection and enforcement of collection of such homeowner's dues as are necessary for adequate maintenance of open space, common grounds and stormwater facilities, any private roads or utilities, and for performance of any other association obligations.

~~C. A homeowner's association covenants, once reviewed and approved by the City of Lynden, shall contain the following provisions: "Changes in these documents must be approved by the City of Lynden through the Lynden City Council or if the council designates an agency or department, by that agency or department." Any changes suggested shall be reviewed by the Lynden City Attorney, who will make a written report to the Lynden City Council concerning the effect of the proposed changes. The cost of review by the Lynden City Attorney will be paid by the homeowner's association.~~

- ~~CD.~~ The PRD ~~and MPRD~~ developers/property owners shall notify each buyer that it is the policy of the City of Lynden never to acquire or maintain the common grounds unless the city chooses to accept a dedicated open space under Section 19.29.080. This policy shall be clearly shown in recorded documents so that future buyers will be aware of this policy.

D. Subsequent amendments to restrictive covenants do not supersede the requirements of the PRD final development contract and all associated develop standards. Upon expiration of a development contract the provisions of the underlying zoning category apply.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.140 Construction start and completion limits.

If substantial construction has not commenced within twenty-four months from the time of final approval of the PRD ~~or MPRD~~ contract, the permit shall lapse. The planning director may extend this time limit by up to twelve months with approval of the city council if the request is made in writing to the planning director prior to the expiration of said twenty-four months following final approval. Any extension of time shall be conditioned on the requirement

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to post a performance bond as required in Section 18.06.010(5), for one hundred fifty percent of the engineer's estimate for the completion of the infrastructure.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

19.29.150 Construction of improvements—~~Guarantee.~~

Commented [HG23]: Legal review recommended.

- A. All improvements which are to be made to City owned property or which are to become the property of the City must be either completed or bonded for completion in the manner provided in Sections 18.06.010(5) and 18.06.010(6) LMC. No sales of property in the PRD ~~or MPRD~~ may be made until such improvements are so bonded or completed and approved by the city. The city may allow the construction of such improvements, or the bonding thereof, in phases, if the PRD ~~or MPRD~~ is to be developed in phases and if each phase can logically be utilized independently or in conjunction with previously completed phases. In case the PRD ~~or MPRD~~ is to be developed in phases, and construction of city owned improvements is to be allowed in phases, the plan submitted and approved shall state with particularity which improvements are to be made in conjunction with each phase.
- B. All improvements to be owned in common by persons purchasing property rights in the PRD ~~or MPRD~~ must be either completed or bonded for completion in the manner provided for in Section 18.06.010(5) and 18.06.010(6). No sales of property in the PRD ~~or MPRD~~ may be made until such improvements are so bonded or completed and approved by the city. The city may allow the construction of such improvements, or the bonding thereof, in phases, if the PRD ~~or MPRD~~ is to be developed in phases and if each phase can logically be utilized on its own or in conjunction with previously completed phases. In case the PRD ~~or MPRD~~ is to be developed in phases, and construction of improvements to be owned in common is to be allowed in phases, the plan submitted and approved shall state with particularity which improvements are to be made in conjunction with each phase.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)

Chapter 19.45 DESIGN REVIEW BOARD

19.45.010 Design review board established.

Establishment and Scope. A design review board is established ~~for the purpose of to~~ review ~~and act on subjects as defined in Chapter 17.03.060 which typically includes~~ing: exterior design of buildings proposed for construction of multi-family dwellings, detached accessory dwelling units (ADUs), the construction, significant reconstruction or remodeling of commercial buildings in all commercial zones, signs as required in Chapter 19.33 of this Code, and the variance of adopted design standards.

The planning director will determine when review or re-review (in the event of an amended design) is required by the Design Review Board. The planning department shall prepare a staff report on the design proposal summarizing requirements and recommendations. The staff report shall include findings, conclusions, and proposed recommendation for disposition of the design application.

Qualifications. Those appointed should be capable of the following:

- A. Reading and understanding building design drawings.
- B. Having an appreciation of architecture and landscape architecture.
- C. Having an understanding and appreciation of the "European/Dutch" theme proposed in the Front Street area.

(Ord. 1000 § A(part), 1995).

(Ord. No. 1547, § 1, 12-4-2017; Ord. No. 1574, § C, 3-4-2019)

19.45.015 Intent.

The intent in establishing the design review board is to enhance the character of the commercial and multi-family areas, provide a visible linkage between the downtown and other commercial areas, and ensure that new development maintains or enhances the character and aesthetic appearance of neighborhoods. The guidelines adopted by the design review board and the city council will be considered as a tool for the implementation of the comprehensive plan.

(Ord. 1000 § A(part), 1995).

(Ord. No. 1547, § 14, 12-4-2017)

**19.45.020 Membership—Appointment—Term—Compensation—
Vacancy—Removal.**

The design review board shall consist of five members, all of whom shall serve without salary. The members shall be appointed by the mayor with the consent of the council.

In case any vacancy should occur in the membership of the board, for any cause, the mayor shall fill such vacancy by making an appointment with the consent of council. The members of the design review board may be removed by the mayor, subject to the approval of the council, for such causes as he/she deems sufficient, which shall be set forth in a letter filed with the council. The ~~initial~~ membership shall consist of ~~one member appointed for one year, one for two years, one for three years, and two for a~~ four years appointment. Each appointment hereafter shall also be for four years.

(Ord. 1000 § A(part), 1995).

(Ord. No. 1547, § 14, 12-4-2017)

19.45.030 Meetings—Notice—Rule promulgation—Records—Quorum.

Meetings of the design review board shall be held at least once every six months, and at other times as the chairperson of the design review board may determine or a request for design review is made by an applicant. There shall be a fixed place of meeting, and all regular design review board meetings shall be open to the public.

A. Notice Requirements.

1. The city shall publish notice of all meetings at least ten days in advance of the meeting date.
2. In some cases, the owner of the property for which the review is sought shall notify all adjacent property owners accordingly:
 - a. In the case of review of construction, or remodel within the historical business district, notice shall be given to all property owners along Front Street within the block where construction is proposed.
 - b. In the case of review of ~~new multi-family construction which includes a structure of more than four units, or single family~~ construction of four or more attached units in one structure, notice shall be given to all property owners within three hundred feet of the property on which construction is proposed.
 - c. Notification, in all cases, shall be by certified mail or registered mail, and satisfactory evidence of such notice must be provided prior to the hearing date.

- B. Proceedings. The design review board shall adopt its own rules or procedures and keep a record of its proceedings, findings and action in each case, and the vote of each member on each question considered in the proceedings. The presence of three members shall be necessary to constitute a quorum.

(Ord. 1292 § E, 2007; Ord. 1000 § A(part), 1995).

(Ord. No. 1547, § 14, 12-4-2017; Ord. No. 1574, § C, 3-4-2019)

19.45.035 ~~Residential d~~Design variance criteria.

Plans submitted to the design review board for a variance to the residential design criteria, processed as noted in Chapter 19.47 of the Lynden Municipal Code must be stamped by a licensed architect, registered in Washington State, and must meet the following criteria:

- A. Granting the variance would not be inconsistent with privately recorded covenants, conditions or restrictions;
- B. The proposed structure would meet all building and fire codes as determined by the building official;
- C. The applicant is not varying more than two of the criteria.

(Ord. 1292 § F, 2007).

(Ord. No. 1547, § 14, 12-4-2017)

19.45.040 Decision by the design review board.

The design review board shall review each application to determine if the design meets the guidelines as adopted in the design review guidebook for signs, and commercial and multi-family construction. It shall:

- A. Grant approval of the proposed exterior design or sign, or
- B. Deny the proposed design, or
- C. Approve the exterior design with conditions, which shall be noted by the building inspector.

The building official shall enforce the decisions of the design review board when granting a building permit. All designs shall be subject to the International Building Code as well as all Lynden Municipal codes.

The design review board shall not impose conditions which are contrary to the requirements of any applicable ~~development standards or~~ building codes.

The decision of the design review board shall be final, unless appealed within fourteen days to the Lynden City Council.

Title 19 - ZONING

(Ord. 1292 § G, 2007; Ord. 1000 § A(part), 1995).

(Ord. No. 1547, § 14, 12-4-2017)

19.45.050 Administrative design review.

Administrative design review shall be conducted for all commercial, sign, or multi-family projects or remodels which do not trigger an application to the Design Review Board such as minor exterior updates, commercial additions, or accessory structures.

A. Authority. The planning director shall review the building permit for compliance with the Lynden Municipal Code and design guidelines related to site layout, architecture, lighting, screening, and landscape.

B. Decision. The planning director may grant, deny, or conditionally approve a building permit based on compliance with the design guidelines.

Chapter 19.51 OFF-STREET PARKING

see edits to 19.51 in separate document

Chapter 19.63 FENCE PERMITS AND REQUIREMENTS

19.63.010 Fence permit required.

No fence shall be erected in the city limits unless a permit for construction of the fence is first obtained.

(Ord. 1292 § H(part), 2007).

19.63.020 Fence permits and requirements.

The fee for obtaining a fence permit shall be set by resolution.

(Ord. 1292 § H(part), 2007).

(Ord. No. 1441, § 1, 3-18-2013)

19.63.030 Utilities location.

It shall be the responsibility of any person placing a fence in the city limits to determine the location of all underground utilities and to take measures to avoid interfering with them.

(Ord. 1292 § H(part), 2007).

19.63.040 Fence location.

Fences shall not be built closer than three feet to the property owner's side of the sidewalk for front yards and for street side yards on corner lots. If there is no curb and/or sidewalk, the fence shall be set back a minimum of three feet from the front property line and the street side property line on corner lots. Fences erected by owners of private property shall not be erected so that they encroach on any city-owned property, including street and alley, rights-of-way, except as provided in Section 19.63.050.

(Ord. 1292 § H(part), 2007).

19.63.050 Fences on public right-of-way—Conditions.

Private fences may be built within the public right-of-way, on the property owner's side of the sidewalk on a city street that has an overall right-of-way of more than sixty feet as follows:

- A. If there is no curb and/or sidewalk, the public works department shall determine fence location, which may be on city-owned property.

- B. Within a residential zone or for residential uses within a nonresidential zone a fence may be built as close as three feet to the sidewalk.
- C. Fences shall not be allowed on city property for nonresidential uses permitted within a residential zone.
- D. Fences will not be allowed on city-owned property unless the owner agrees to remove the fence at the owner's expense upon request of the city. The owner must sign an agreement which will be recorded with the Whatcom County auditor, evidencing such agreement and agreeing that if the owner does not remove the fence upon the city's request, the owner will reimburse the city for the cost of removal. The owner shall pay for the cost of recording the agreement with the Whatcom County auditor.

(Ord. 1292 § H(part), 2007).

19.63.060 Fence requirements.

Fences shall be built to the following specifications:

- A. Electric and barbed wire fences are not permitted in residential zones.
- B. All gates shall swing into the owner's property.
- C. A clear vision triangle as defined in Section 17.01.030 shall be maintained on all corner lots at the street intersection. A ten-foot clear vision triangle shall be maintained at all alley, railroad, and driveway intersections with streets and all driveway/alley intersections. The driveway vision triangle shall be measured from the paved driveway sides or five feet each way from the driveway center, whichever is more restrictive. Fences of three feet or less in height, measured from curb height, are allowed in all vision triangles. Clear vision triangle is defined in Chapter 17.01 of this code and within the adopted engineering design and development standards.
- D. Fence heights for residential uses will be as follows:
 1. For the first thirty feet from the front property line or five feet behind the front corner of the house, whichever is greater, the maximum fence height shall be forty-two inches.
 2. From thirty feet from the front property line, or five feet behind the corner of the house as noted above, to the rear property line, the maximum height of any fence shall be seventy-two inches.
 3. Side yard fences where the side yard is the rear yard for the adjacent property may be seventy-two inches in height, on that side only, provided that there is a minimum setback of fifteen feet from the front property line and does not extend beyond the front of the house, whichever is more restrictive. No vision

triangle may be obstructed and the opposing side must comply with all other setback and height requirements.

Fence height is determined by measuring from the natural ground level adjacent to the fence to the top of the fence structure, including all latticework or other decorative features allowing a maximum of two inches for ground clearance. The ~~board of adjustment~~ **Design Review Board** may grant, or grant with conditions, a variance to this height limit for no more than eighteen inches of lattice work or other decorative feature upon the following conditions:

1. The neighboring property owner(s) does not object;
2. If the side or rear yard is located immediately adjacent to a city street right-of-way, but not an alley right-of-way, the fence may not be parallel to the city street or sidewalk;
3. That in accordance with the requirements of the International Building Code the applicant will submit a construction permit with complete structural detail to the building official and other applicable departments for approval. The cost for such permit is based on the cost of the fence and such permit replaces the fence permit required by this chapter;
4. The fence is in the rear or side yard;
5. The replacement of an existing fence that is nonconforming as to the maximum height, and is not located in the front yard, may be exempt from the variance process described above. However, the applicant must obtain all required construction permits.

- E. Fence heights for property in a residential zone being used for nonresidential permitted uses shall be subject to the requirements of Section 19.63.080.

(Ord. 1292 § H(part), 2007).

19.63.070 Privacy fencing.

Patio and courtyard privacy fencing is allowed up to a maximum height of seventy-two inches, and an overall combined length of twenty-five feet. Privacy fences shall be considered part of the residential structure and shall meet all structure setbacks for front, rear and side yards; provided, however, that rear and side yard setbacks may be waived by the planning department if, in their opinion, there is no apparent conflict with adjoining property uses.

(Ord. 1292 § H(part), 2007).

19.63.080 Nonresidential zone fences.

Fences in the industrial and commercial zones and for nonresidential uses in the RS zone are allowed subject to the following conditions:

- A. ~~A.~~ Maximum height for solid fencing on all non-residential properties is ~~eighty-four inches~~ seven feet.
- B. Wire fencing may be allowed up to seven feet on properties with a non-residential zoning except that a maximum height of ~~twelve feet~~ high is permitted on industrially zoned properties.
- C. ~~B.~~ Street, alley, railroad and vision triangle requirements of Section 19.63.060(C) shall apply, provided, however, that higher wire fencing may be allowed, if, in the opinion of the public works director, the fence will not obstruct vision in the vision triangle.

(Ord. 1292 § H(part), 2007).

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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?

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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>?</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 actual site layout

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.

<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 [HG10]: "Mini-Storage" must be defined in LMC 17

Commented [DT11]: What is this use?

Commented [HG12R11]: Cell phone towers, electrical sub-stations, etc

Commented [DT13]: 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 [DT14]: Remove min requirement

Commented [DT15]: 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 [DT16]: Can this one be re-written to be more understandable?

Commented [DT17]: 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 [DT18]: 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.~~

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

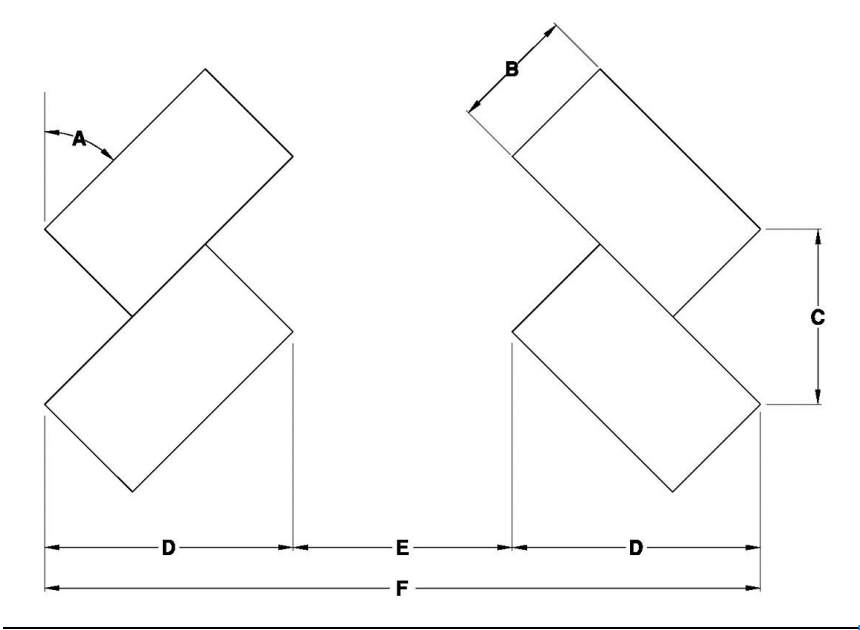
Standard stall size is 9 ft x 19 ft. When required, wheel stops shall be located 2 ft from the head of the parking stall.

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>Parallel (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>

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



Commented [DT19]: 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 [DT20]: 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 [DT21]: 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 [DT22]: 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 [DT23]: 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 1st2ndThird Street and 8thSeventh 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 ~~1st2ndThird~~ Street and east of ~~87th~~ 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 [DT24]: Should this be added to the code?

Commented [HG25R24]: Yes, but just to multi-family residential projects. I noted the requirement in the table.

Commented [DT26]: Is this still an option? If not, delete (a)

Commented [HG27R26]: 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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