

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	July 17, 2023	
<b>Name of Agenda Item:</b>	Amending LMC 19 re Patio Screening	
<b>Section of Agenda:</b>	Unfinished Business	
<b>Department:</b>	Community Development Department	
<b>Council Committee Review:</b>	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<b>Legal Review:</b>
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Planning Commission and, Staff Memo regarding recommended action, Patio Heater Safety Handout, Blog Article re Patio Conversions, Commission Minutes of 5-11-23		
<b>Summary Statement:</b>		
<p>At the June 19<sup>th</sup> meeting the City Council considered an amendment to LMC 19.22 related to the screening of outdoor patio areas. At that meeting, testimony from one local contractor raised questions related to the ability to more fully enclose patio areas. The Council asked that the amendment be reconsidered to address this possibility and provide answers the issued raised. In response, additional information pertaining to this issue has been attached to this agenda item.</p> <p>Planning, Building, and Fire Dept staff continue to raise concerns related to the enclosing of patio areas that are attached to primary living areas and recommend screening rather than enclosing. Concerns focus on three main areas:</p> <ol style="list-style-type: none"> <li>1. Life safety.</li> <li>2. Enforcement and the potential for ad-hoc living spaces that violate building code.</li> <li>3. Maintaining outdoor areas and separation of living spaces in single-family residential zones.</li> </ol> <p>It is relevant to note that this potential amendment was raised after a single unpermitted enclosure was cited. The code, as currently written, is clear and well utilized throughout the city.</p> <p>Similar to staff, the Planning Commission considered this issue carefully and voted to recommend a clarification of code rather than a modification that would permit enclosure.</p> <p>Staff is recommending that the Council review the attached materials. This issue will then be discussed at the July 19<sup>th</sup> CDC meeting and then returned to the City Council for action. This action generally includes the following options (1) keep the code as written and take no action on the amendment, (2) adopt the amendment as previously proposed which allows for screening but not enclosing of patios, or (3) remand the issue back to staff or the Planning Commission with specific directions regarding next steps.</p>		
<b>Recommended Action:</b>		
No action at this time.		