

## ORDINANCE NO. 1582

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNDEN,  
WASHINGTON, REGARDING THE ADDITION OF CHAPTER 19.22,  
RESIDENTIAL DESIGN STANDARDS TO THE LYNDEN MUNICIPAL CODE.

**WHEREAS**, The City of Lynden is required to plan under RCW 37.70A, commonly referred to as the Growth Management Act, and

**WHEREAS**, The Growth Management Act mandates that cities make plans to accommodate a reasonable allocation of growth at urban levels of density, and

**WHEREAS**, the City of Lynden has determined that the purpose of residential design standards is to ensure that new developments meet and maintain a number of objectives that strive to promote orderly community growth and to protect and enhance property values for the community as a whole; and

**WHEREAS**, residential design standards help to enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements and to enhance safety through appropriate exterior lighting, addressing and fencing.

**WHEREAS**, residential design standards also seek to encourage low impact design techniques.

**WHEREAS**, appropriate provisions have been made within the zoning text to ensure that the impacts to the surrounding neighborhoods will be minimized; and

**WHEREAS**, the City issued a SEPA Determination of Non-Significance related to this Ordinance on April 10, 2019; and

**WHEREAS**, the Lynden Planning Commission held multiple work sessions (open to the public) to develop the residential design standards; and

**WHEREAS**, on April 11, 2019, following public notice, the Planning Commission conducted a public hearing regarding this proposed Ordinance and, after considering all comments and testimony received, forwarded a recommendation to the City Council to adopt the proposed new Chapter 19.22 into the Lynden Municipal Code; and

**WHEREAS**, on April 12, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed addition of Chapter 19.22 to the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

**WHEREAS**, the proposed regulations were introduced to the Lynden City Council on May 20, 2019, and a date for a public hearing was set; and

**WHEREAS**, on June 3, 2019, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

**WHEREAS**, the City Council approved the addition of the new Chapter 19.22 as recommended by the Planning Commission; and

**WHEREAS**, the City Council finds the proposed addition to the zoning code will uphold the goals of the Comprehensive Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, ORDAINS AS FOLLOWS:**

**SECTION A.** A new chapter 19.22 of the Lynden Municipal Code is hereby adopted as follows:

Chapter 19.22  
RESIDENTIAL DESIGN STANDARDS

19.22.010 Establishment, Relief, and Purpose

19.22.020 Site Design – Setbacks, Yards, Building Orientation, and Pedestrian Connections

19.22.030 Residential Architecture and Attached Garages

19.22.040 Detached Garages and Accessory Structures

19.22.050 Landscape, Fences, Screening, and Lighting

**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 Board of Adjustment consistent with Section 19.47.
3. Variance requests which relate specifically to the residential design criteria described in Section 19.22.030 through 19.22.050.

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.

#### **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 cantilever 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 25 feet.
2. In RS-84 and RS-100 zones an attached garage may be built as close as 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 5 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.

### **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.

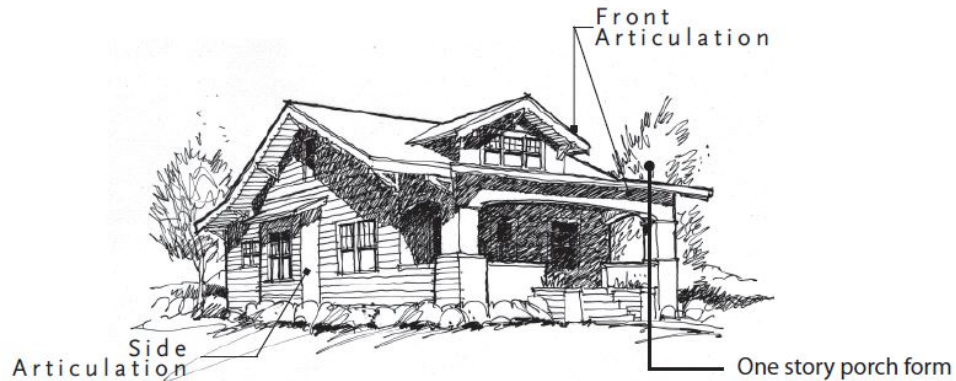
#### **C. Roofs**

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.

#### **D. Building Elevations and Finishes**

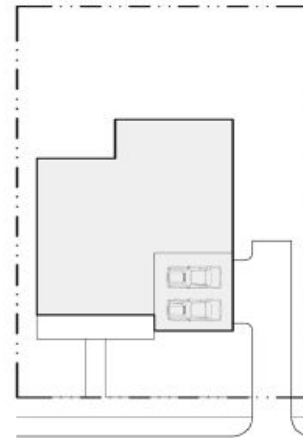
1. Residential Elevations

- a. The same architectural elevation shall be separated by a minimum of two other homes.
- 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 12". 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 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 12 feet.
  - b. The lineal frontage of the building elevation which can be occupied by garage doors is limited.
  - c. In RS zones, no more than 50 percent of the building elevation can be garage doors.
  - d. In RMD and RM zones, no more than 60 percent of the total first floor building elevation length can be garage doors.
  
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. (graphic)
- e. In RS zones, attached garages or attached carports which provide a third covered or enclosed space must be offset a minimum of 2 feet from the first two covered or enclosed spaces.



Side Loaded Garage

#### 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 2 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 6 feet above grade.

### **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 10 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 72 hours and, as outlined in LMC 15.04.010, exceeds 120 square feet in area must obtain a building permit.

#### **B. Accessory Structure Setbacks**

1. A detached accessory structure or garden shed 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 24 inches.
2. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street.



3. Garages accessed from alleys with garage doors facing the alley must be setback a minimum of 21 feet in all RM zones and setback 25 feet in all RS zones.

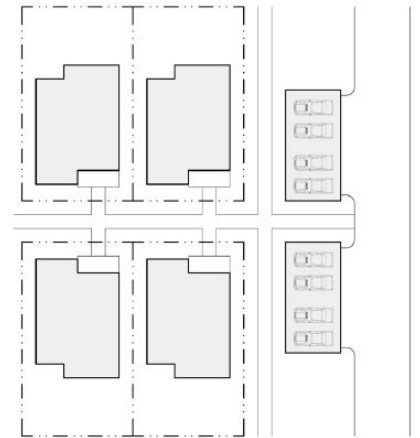
#### C. Accessory Structure Height

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 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 4 parking stalls and not exceed 44 feet in width. (see graphic)



*Shared Garage*

4. Detached carports are permitted to accommodate no more than four vehicles and are limited to a maximum of 44 feet in width.

### **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 3 foot setback.
  - b. Refer to Chapter 19.63 for full description of Residential Fence Standards.
3. Screening
  - 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 1 1/2" at the time of installation except that small trees used under overhead lines shall be a minimum a caliper of 1". 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.
  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 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 50 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.

**SECTION B.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION C.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION D. Effective Date.** This ordinance shall take effect on October 1, 2019. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Signed by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR (Scott Korthuis)

ATTEST:

\_\_\_\_\_  
CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

\_\_\_\_\_  
CITY ATTORNEY (Robert Carmichael)