

ORDINANCE NO. 1581

AN ORDINANCE OF THE CITY OF LYNDEN TO REPEAL AND REPLACE CERTAIN CHAPTERS WITHIN TITLE 19 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, the City of Lynden has adopted regulations pertaining to land development in order to ensure consistent, timely and orderly review of zoning and development applications with the City of Lynden; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time ensure that all development within the City complies with the adopted comprehensive plans, provides consistency and upholds the character of the neighborhood and or the surrounding neighborhoods, and

WHEREAS, the creation of LMC Chapter 19.22 (Ord 1582) consolidates and revises the residential design standards for the City of Lynden and combines such standards into one location within the Lynden Municipal Code.

WHEREAS, due to the consolidation of standards into one chapter, it is necessary to update and remove repetitive language from 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the zoning code.

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

WHEREAS, the Lynden Planning Commission held multiple work sessions to develop the revised zoning code draft; and

WHEREAS, the City of Lynden initiated public review processes including Planning Commission Workshops and Public Hearings; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on April 11, 2019, to accept public comments on the proposed regulations and recommended adoption to the City Council.

WHEREAS, on April 12, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed updates to Title 18 of 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

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

SECTION A. Chapters 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the Lynden Municipal Code are hereby repealed in their entirety.

SECTION B. New Chapters 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the Lynden Municipal Code are hereby adopted as follows:

Chapter 19.15
RS SINGLE FAMILY BUILDING ZONES

- 19.15.010 Established
- 19.15.020 Primary Permitted uses
- 19.15.030 Accessory Permitted uses
- 19.15.040 Secondary Permitted uses
- 19.15.050 Conditional Property uses
- 19.15.060 Height, Area, Setback and Bulk requirements

19.15.010 Purpose and Zones Established.

A. Three single family zones are established:

Zone	Minimum Lot Size	Maximum Density
RS-100	10,000 square feet	4 DU/acre
RS-84	8,400 square feet	4.5 DU/acre
RS-72	7,200 square feet	5 DU/acre

Existing lots may be developed with single family homes even though they do not meet the size requirements of single-family zones. Future land divisions must meet the area requirements specified in the zone; provided however, that Title 18, Subdivisions, provides for methods of subdivision resulting in lots of different sizes.

The goal of this title is to: protect the character and the social and economic stability of all parts of the community and to encourage the orderly and beneficial development of the community through appropriate growth management techniques; to assure proper urban form and open space separation of urban areas; to protect environmentally critical areas and allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments.

B. Use of Low Impact Development Techniques

When an application for single 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, as applicable, is authorized to approve land divisions even though they may not meet the lot size requirements of single-family zones presented in this Title under the following conditions:

- A. Site planning incorporates LID components that minimize impervious surfaces and achieves a more restrictive percent maximum coverage than would the larger lot size;
- B. Site planning and design documents are completed by a licensed engineer in the State of Washington;
- C. The proposed development integrates with the character of the neighborhood;
- D. The requested waiver must be specified and justified in writing to the technical review committee and the approving body
- E. Written documentation of the decision on the waiver is recorded by the Director in City records

19.15.020 Primary Permitted Uses.

- A. The primary land uses permitted in the single-family zones are detached, site-built single-family dwellings and new manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code.
- B. Mobile homes as defined in LMC Section 17.01.030 LMC are prohibited.
- C. Personal Services are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, or others that would serve the subarea.
- D. Sales of General Consumer Goods are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only. This is to allow for retail sales of food, household goods, pet supplies, and other goods to residents in the subarea. The sales of goods geared toward a regional customer base, as determined by the Planning Director, are not allowed. Such regional uses include fuel sales, auto sales, large format stores, construction and landscaping materials, farm equipment. Outdoor storage associated with the sales of General Consumer Goods is also not allowed.
- E. Restaurants and Cafes are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only.

F. Professional offices, Banks and Financial institutions in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only.

19.15.030 Accessory Permitted Uses.

Accessory permitted uses in the Single-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.

19.15.040 Secondary Permitted Uses.

Secondary permitted uses in the Single-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 (5) 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 adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.15.050 Conditional Property Uses.

The following property uses may be permitted in single family zones by conditional use permit when recommended by the Planning Commission and approved by the City Council. The conditional use permit may authorize height variations for public buildings, utility sub-stations, schools and churches.

- 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. House of Worship, provided that the lot coverage does not exceed thirty-five percent, the front yard be landscaped and all other parking and landscaping requirements are met.
- E. Schools.
- F. Bed & Breakfast Establishments and Short Term Rentals. (Refer to Section 19.49.030)

19.15.060 Height, Area, Setback, and Bulk Requirements.

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

Zone	Minimum Lot Size (sq. ft.)	Lot Coverage	Height		Yard Setbacks in Feet Additional setback information follows in text			
					Side Yard			
			Feet	Story	Front	Rear	Minimum	Total
RS-100	10,000	35%	32	2	20	30	7	22
RS-84	8,400	35%	32	2	15	30	7	22
RS-72	7,200	35%	32	2	15	30	7	17

Chapter 19.16

Residential Mixed Density Zone

- 19.16.010 Purpose and Intent
- 19.16.020 Permitted Uses
- 19.16.030 Accessory Permitted Uses
- 19.16.040 Secondary Permitted Uses
- 19.16.050 Conditional Property Uses

19.16.060 Development Standards – Density, Lot, Height, Setbacks
19.16.085 Subdivision Design Guidelines

19.16.010 - Purpose and intent.

The purpose of creating the residential mixed density zone (RMD) is to meet the stated goals of the comprehensive plan by allowing increased residential density to be integrated within single family neighborhoods within the community.

The intent in the creation of this zone is to allow a creative mixture of single-family and duplex housing styles and types. Development of this area should focus on maintaining the aesthetic quality of the city in general and the neighborhood in particular by providing for architectural diversity, adequate landscaping and open space and making low impact development (LID) the preferred and commonly used approach to site development.

19.16.020 - Permitted uses.

Permitted uses in the residential mixed density zone are as follows:

- A. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes. This includes types such as large lot single family and small lot single family units. Mobile homes as defined in Section 17.01.030 LMC are prohibited.
- B. Two Single Family Attached Dwelling units, which are ground related, fee simple-ownership units that are attached through shared walls or rooflines are allowed. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex units. This includes two attached units on one parcel.

19.16.030 - Accessory permitted uses.

Accessory permitted uses are as follows:

- A. Private garages.
- B. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- C. 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.
- D. Accessory dwelling unit (ADU) per LMC Chapter 19.20.

19.16.040 - Secondary permitted uses.

Secondary permitted uses 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 adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.16.050 - Conditional property uses.

The following property uses may be permitted in single family zones by conditional use permit when recommended by the planning commission and approved by the city council. The conditional use permit may authorize height variations for public buildings, utility sub-stations, schools and churches.

- 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. Houses of Worship, provided that the lot coverage does not exceed thirty-five percent, the front yard be landscaped and all other parking and landscaping requirements are met.

E. Schools.

F. Bed and Breakfast establishments and Short Term Rentals. (Refer to Section 19.49.030)

G. Manufactured home parks or subdivisions subject to the development objectives of the applicable sub-area plan.

19.16.060 - Development Standards - Density, Lot, Height, Setbacks

	Detached Units	Attached Units
Minimum Lot Size ^{a, b, c}	6,000 sf	4,000 sf each unit
Maximum Lot Coverage on lots less than 7,000 sf	40%	35%
Maximum Lot Coverage on lots 7,000 sf or greater	35%	35%
Maximum Height	32'	32'
Maximum Stories	2 stories	2 stories
Front Setback		
ROW to Porch	10'	10'
ROW to House	15'	15'
ROW to Garage	25'	25'
Side Setback ^d		
Minimum Side	7'	0' attached side, 7' detached side
Side Total	14'	7' each end, 14' total
Corner Lot	10'	10'
Rear Setback ^d		
Alley Easement to Garage Side	3'	3'
Garage Side to Property Line	5'	5'
Alley to Garage Door	21'	21'
Alley to House	20'	20'
To House	20'	20'

Table Notes:

- a. For the purpose of this section net land area means the gross acreage within a parcel minus all development requirements, designated critical areas and their buffers.
- b. Lots developed immediately adjoining a different single family residential zone shall not be less than 80% of the minimum lot size of that adjoining zone. For the purpose of this section properties that are separated from

another single family residential zone by a street are not immediately adjoining said zone.

- c. A minimum of 40% of the net land area within a development shall be divided into lots with a minimum size of 7200 square feet or larger.
- d. On corner lots 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 10 feet.

19.16.085 - Subdivision design guidelines.

All subdivisions must meet Chapter 18.14 of the Lynden Municipal Code, which provides minimum plat design requirements. In addition, subdivisions in the Pepin Creek Subarea must meet the Pepin Creek Subarea Residential Design Standards as adopted by the City Council. For developments outside of the Pepin Creek Subarea the following are specific design recommendations intended to improve the aesthetic design of the subdivision as a whole. The items below are not meant to be exhaustive and developers are encouraged to incorporate other creative design elements within the project.

- A. It is recommended that lot sizes and lot frontage widths are included and intermixed in the design of the subdivision to provide more street interest and potential for varying house designs.
- B. Curvilinear streets with connectivity are encouraged to provide a varied approach to the housing units.
- C. Low impact design (LID) design techniques are encouraged.

Chapter 19.17

RM MULTI FAMILY BUILDING ZONES

19.17.010 Established

19.17.020 Primary Permitted Uses

19.17.030 Accessory Permitted Uses

19.17.040 Secondary Permitted Uses

19.17.050 Conditional Property Uses

19.17.060 Height, Area, Setback, and Bulk Requirements

19.17.100 Design Review Board

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 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 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;
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.

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
Single Family Dwelling Unit	P	P	P	P
Duplex Units	P	P	P	P
Three or Four units per building	N	P	P	P
More than four units per building	N	N	P	P
New manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code	P	P	P	P
Mobile homes as defined in Section 17.01.030 LMC	N	N	N	N

P = Permitted Use; N = Not Allowed

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.

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 (5) 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 adults, when approved by the Washington State Department of Social and Health Services (DSHS).

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.

19.17.060 Height, Area, Setback and Bulk Requirements.

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

B. Zone	Min. Lot Size (sq. ft.)	Lot Coverage	Open Space Required	Height	Yard Setbacks in Feet			
					Side Yard			
				Feet	Front	Rear	Minimum	Total
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

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.

19.17.100 Design Review Board

All multi-family developments will be subject to approval by the Design Review Board.

Chapter 19.19

MH - MANUFACTURED HOME ZONE

Sections:

19.19.010 Established.

19.19.030 Primary Permitted Uses.

19.19.040 Accessory Permitted Uses.

19.19.050 Secondary Permitted Uses.

19.19.060 Maximum Density.

19.19.070 Minimum Width of Individual Space.

19.19.080 Manufactured Home Construction Requirements

19.19.090 Height, Area, Setbacks, and Bulk Regulations

19.19.100 Manufactured Home Park -- Individual space boundary requirements.

19.19.110 Manufactured Home Park -- Automobile parking requirements.

19.19.120 Manufactured Home Park -- Development Standards

19.19.150 Manufactured Home Park -- Landscaping.

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.

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, 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.

19.19.040 Accessory permitted uses.

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

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

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.

19.19.060 Maximum density.

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

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.

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.

19.19.090 Height, Area, Setback and Bulk Requirements.

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

Minimum Lot Size (sq. ft.)	Lot Coverage	Height		Yard Setbacks in Feet			
				Side Yard			
		Feet	Story	Front	Rear	Minimum	Total
4,200	40%	25	2	20	20	7	17

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.

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.

19.19.120 Manufactured Home Park-- Development Standards.

See Chapter 18.22 of the Lynden Municipal Code.

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.

Chapter 19.31
Residential Property Use Restrictions

Sections:

- 19.31.010 Enforcement of Zoning Regulations
- 19.31.020 One-family dwelling unit regulations
- 19.31.030 Single family and Multi Family homes in commercial areas

19.31.010 Enforcement of Zoning Regulations.

The following regulations shall apply to all residential dwellings regardless of the zone in which they are located and to all property in residential zones of the city. Authority for the enforcement of these provisions is found in Chapter 17.13 of the Lynden Municipal Code. Violation of these provisions may be subject to civil penalties and fines as provided in that chapter.

19.31.020 Residential Property Regulations.

A. Outside storage.

1. Inoperable vehicles shall not be stored on the premises longer than thirty days (30) unless parked within an enclosed structure. Minor automotive repair on vehicles other than those registered to the occupant of the house is strictly prohibited. Automobile wrecking is also strictly prohibited.
2. No more than five, currently licensed and/or operable passenger vehicles may be stored outdoors on any residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A)).
3. Lots greater than or equal to ten thousand square feet may store up to two recreational vehicles on the lot; provided however, they are not stored in the front yard and meet the requirements of Section 19.31.020 (B).4. A reasonable quantity of materials normally accessory to the primary residential use may be stored on the premises in areas other than required setback areas and open space. There shall be no outside storage of any other materials. Materials that attract rodents and other pests may not be stored on site unless properly enclosed.
5. As per Chapter 8.04 of the Lynden Municipal Code, regular garbage / recycle pick-up is required. Garbage and recycling containers must be stored securely so as to avoid dispersal of materials on the property or neighboring properties.
6. Mobile storage units or shipping containers are permitted for use during construction but must be removed within thirty days of final occupancy of the primary residence. No units greater than 8' x 10' are permitted in residential zones, other than during construction or for a period of up to 30 consecutive days within a six month period to facilitate the moving in or moving out of a residence. Units 8' x 10' or smaller may be placed on a lot for not more than six months during any two-year period and must be located in the rear yard.

B. Recreational Vehicles: Trailers or Motor Homes and Boats.

One trailer or one motor home and/or one boat may be stored on the premises only if such storage is not detrimental to surrounding properties.

In determining whether such storage is detrimental to surrounding properties, the zoning official shall consider whether the storage:

- a. Is properly screened from neighboring properties either by landscaping, fencing or the erection of an approved storage facility.
- b. Shall not be covered or screened by utility tarps;
- c. Is on a lot greater than or equal to ten thousand square feet.
- d. Has ingress and egress without crossing a neighbor's property.

Trailers, trailer houses, campers, mobile homes, or motor homes shall not be used as living quarters at any time unless located in a duly authorized mobile home park or properly zoned area.

C. Animals.

No more than three of any species of common household pets, four months of age or older, shall be allowed per dwelling unit.

19.31.030 Single family and multi-family homes in commercial areas.

Commercial sales are prohibited in the setback areas when the property is used for living purposes. Off street parking for the residents shall meet or exceed the requirements in Chapter 19.51.

CHAPTER 19.61 LANDSCAPE REQUIREMENTS

Sections:

- 19.61.010 Purpose
- 19.61.020 Scope
- 19.61.030 Landscape Development Plan
- 19.61.040 Performance Bond
- 19.61.050 Landscape Maintenance
- 19.61.060 Plant Choice
- 19.61.070 Landscaping and Planting Strip Types for Side and Rear Yards
- 19.61.080 Residential Landscape Requirements.
- 19.61.090 Minimum Landscape Requirements for Required Landscaping
- 19.61.100 Requirements for Commercial and Industrial Parking Lots
- 19.61.110 Tree Removal
- 19.61.120 Boulevard or Parking Strips – May be required
- 19.61.130 Boulevard or Parking Strips – Development and Maintenance
- 19.61.140 Maintenance of existing vegetation
- 19.61.150 Definitions

19.61.010 Purpose.

The purpose and intent of this chapter is to provide landscape development and buffering requirements in order to maintain and protect property values, enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, and provide screening between incompatible land uses. The landscape requirements of this chapter are minimum standards; additional landscaping will be encouraged.

19.61.020 Scope.

This chapter shall apply to all RM zones, MH zones, CS zones, I zones, public facilities, and any residential developments where the development is larger than four lots. No building permit, shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the City Planner or the Design Review Board where applicable. A landscaping plan is not required for a single family building permit.

19.61.030 Landscape Development Plan.

Landscape development plans shall indicate all areas to be preserved and planted including proposed fencing and landscape features. The landscaping plan shall also show locations of individual trees and shrubs; and include name, size, spacing and quantity of the plant materials and all proposed irrigation lines and structures. It is recommended that a landscape architect or a professional nurseryman prepare required plans.

19.61.040 Performance Bond.

No permanent occupancy permit shall be granted until landscaping required under this chapter is completed. However, a permanent occupancy permit may be granted if a performance guarantee bond in the amount of 150% of the anticipated cost of the unfinished landscaping is posted guaranteeing the installation of required landscaping is posted within 180 days. If landscaping is not so completed, the City may finish it, in accordance with the approved plan, using the bond to pay the completion costs. The bond may be posted by certified check payable to the city, assignment of a restricted savings account to the City, or posting an irrevocable letter of credit or a bond with the City.

19.61.050 Landscape Maintenance.

Plantings including trees and shrubs shall be maintained in a healthy growing condition. Dead plants or trees shall be replaced by the property owner. If it becomes necessary for the City to take action in removal and/or replacement of required landscaping, the property owner will be billed for all costs associated with the removal and/or replacement. The property owner is also responsible to keep the landscaped areas reasonably free of weeds and trash.

19.61.060 Plant Choices.

All species shall be native to the area or recognized as being easily adaptable to the climate. The City will require the applicant to conform to the City's Design and Development Standards including modifying the plant choice to:

- A. Eliminate undesirable species which may conflict with power lines or sewers because of their growth or invasive root systems.
- B. Provide a diversity of species.
- C. Provide plant materials that will fulfill the buffering or landscaping purposes of that planting on a year-round basis.
- D. Provide visual relief on long facades.
- E. Provide species that are resistant to drought conditions.

19.61.070 Landscaping and Planting Strip Types for Side and Rear Yards.

A. TYPE I. Ornamental Landscaping

This landscaping shall consist of a combination of trees, shrubs and other landscaping materials, including bark and/or decorative rock, or grass. The landscaping shall be designed to improve the appearance of the development, not necessarily to obscure it. A mixture of evergreen and deciduous plantings reaching a maximum height of thirty inches is recommended. This does not apply to non-sight obscuring trees.

B. TYPE II. Mixed Trees, Shrubs, Low Plantings

This planting strip shall consist of one row of trees spaced a maximum of ten feet on center. The remainder of the planting strip shall be planted with plantings that will result in an attractive ground cover within two years.

C. TYPE III. Sight Screening Evergreen Hedge

The purpose of this landscaping type is to provide a sight, sound and psychological barrier between zones with some degree of incompatibility. The spacing of evergreen plants shall be such that they form a dense hedge within three years. The minimum height, at the time of planting, shall be four feet, except where the hedge would interrupt the clear vision triangle.

D. TYPE IV. Low Plantings, Trees, and Fencing

Evergreen conifer trees shall be spaced a maximum of fifteen feet on center, backed by a seventy-two inch fence which forms an effective barrier to sight, except where the fence would interfere with the clear vision triangle (see Chapter 15.28). The fence shall be placed on the inside of the planting strip. The remainder of the landscape area shall be planted with plantings that will result in an attractive ground cover within three years.

E. TYPE V. Wall of Trees

The purpose of this landscape type is to provide a sight, sound and psychological barrier between zones with a high degree of incompatibility. This planting strip shall consist of two rows of trees staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within

five years. The minimum tree height, at the time of planting, shall be six feet, except where it would obscure the vision triangle.

F. TYPE VI. Boulevard or Parking Strip

Boulevard or parking strip plantings are encouraged. The strip should be planted with non-fruit bearing, deciduous trees a minimum of fifty feet on center. At the time of planting deciduous trees shall be at least three inches in diameter at four feet in height, and all necessary root barriers shall be installed.

19.61.080 Residential Landscape Requirements.

Objective – To enhance the aesthetics of communities through the installation of landscape and the screening undesirable elements. Also, to enhance safety and function of residential properties through appropriate maintenance of landscape plantings.

A. Detached Residential Single Family (RS) Landscape Requirements

1. Property owners may landscape adjacent to sidewalks on any city street provided that at no time the landscape encroaches into the path of the sidewalk which would impede pedestrian movement or create unsafe conditions. It is the property owner's responsibility to maintain the landscape in this manner.
2. Hedges. To facilitate visibility along streets and sidewalks, hedges which fully block visibility must not be planted within 3 feet of the sidewalk. View triangles, which protect sight distance, at street intersections may require additional height restrictions.
3. Street trees are required at the time of plat as outlined in Chapter 18.14. 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.
4. All plantings on city property are subject to removal by the property owner at the City's discretion and property owner's expense. In the case that the property owner does not remove the planting, the removal will be done by the City and the property owner will be billed.

B. Multi-Family Residential (RM) and Attached Single Family Landscape Requirements

All proposed multi-family and attached single-family development greater than two attached units in these zones shall comply with the following standards. Variances, in accordance with the process set forth in Chapter 17.17 LMC, may be authorized by the planning director where factors such

as but not limited to, topography, other site constraints prevent strict compliance.

1. All public streets will be required to include street trees between the curb and sidewalk, unless a variance to the street section standard and design is granted.
2. Entry areas, access easements, and driveways shall be landscaped to create a feeling of identification and continuity of plant materials related to the plantings around the buildings and parking areas. The primary entrances to the multi-family development, defined for this section as the entrances from public roadways, shall have landscaped areas on either side of the entrance. This landscape area shall be a triangle beginning at a point where the back of the sidewalk and the driveway intersect and running a distance of twenty feet parallel with the street, and fifteen feet from the back of the sidewalk along the driveway, and diagonally connecting the two lines. These areas may be utilized as rain gardens.
3. Plant choices should include those plants that are native to the region, have minimal maintenance requirements and high survival rates. Large, more mature plant materials are encouraged to ensure that some immediate effect on the project's appearance will be attained within two years of planting. The following sizes and spacing are suggested and/or required for plant materials at time of installation.
 - a. Street trees shall have a minimum caliper size of two inches. Trees located along drives and in the street side of planting areas adjacent to parking areas or buildings shall have a minimum caliper size of one and one-half inches. Trees located elsewhere are to have a minimum caliper size of one inch and equivalent to a fifteen-gallon container size.
 - b. At the time of installation, shrubs must be a variety of sizes (one to five-gallon pots) and upright shrubs must have a minimum height and spread of eighteen to thirty-six inches. Spreading shrubs should have a minimum of twelve to eighteen inches (smaller shrub sizes may be approved where it is more appropriate within the particular landscape plan). Hedge material must have a minimum height of four feet at the time of planting.
 - c. Ground covers planted from flats shall have a maximum spacing of twelve inches on center or, when planted from one-gallon pots, a maximum spacing of twenty-four inches on center.

4. Earth berms and rain gardens are convenient devices for providing variation in the ground plane and for screening interior portions of the site. The bermed areas should be as long, as gradual and as graceful as space will allow. Maximum slopes for bermed areas should not exceed 4:1.
5. Building foundation plantings are required around all areas of the building except immediately adjacent to entries or garage doors. Sidewalks shall not be included within these areas. Installation of plant material is required and must be appropriate to the scale of the building. Area required is as follows:
 - a. Buildings containing 2-4 units must provide a planting area a minimum of 4 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 2 feet.

Buildings containing more than 4 units must provide a planting area a minimum of 6 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 3 feet.

19.61.090 Minimum Landscape Standards for Required Landscaping.

- A. In order to reduce the incompatible characteristics of abutting properties with different land use classifications, minimum landscaping standards shall be applied to planting strips on the interior property lines of the most intense land use. In the case of a less intense land use being developed directly adjacent to an existing land use of higher intensity, the landscaping requirements may be established as a permit condition and may be placed on the interior property line of the less intense land use.
- B. For the purpose of this ordinance, the following is a listing of land uses in order of intensity from the highest to the lowest: ID, CSL, HBD, CSR, IBZ, TR, MH, RM-4, RM-3, RM-2, RM-1, RMD, RS-7,200, RS-8,400, RS-10,000.
 1. All I zones adjacent to all CS zones: Type III planting strip, ten feet in width.
 2. All I zones adjacent to public, semi-public or PU areas: Type III planting strip, fifteen feet in width.
 3. All I zones adjacent to MH zones: Type III planting strip, ten feet in width.
 4. I zones adjacent to TR zones: Type III planting strip, fifteen feet in width.
 5. All I zones adjacent to RM housing: Type IV planting strip, ten feet in width. If IBZ, fencing is optional.
 6. All I zones adjacent to RS housing: Type V planting strip, fifteen feet in width.
 7. CS zone adjacent to all MH: Type III planting strip, ten feet in width.

8. All CS zones adjacent to public or semi-public or PU areas: Type III planting strip, ten feet in width.
9. All CS zones adjacent to RM housing: Type II planting strip, ten feet in width.
10. All CS zones adjacent to RS housing: Type IV planting strip, fifteen feet in width.
11. TR zone adjacent to RM zones: Type III planting strip, ten feet in width.
12. TR zone adjacent to RS zones: Type IV planting strip ten feet in width.
13. MH zone adjacent to RS housing: Type IV planting strip, ten feet in width.
14. MH zone adjacent to RM housing: Type III planting strip, ten feet in width.
15. RM housing adjacent to RS housing: Type IV planting strip, ten feet in width. Fencing is optional.
16. PRD adjacent to all other zones: Type II planting strip five feet wide, except I and CS zones where it shall be ten feet in width.
17. Public buildings and utility sub-stations within all RS and RM zones: Type I planting strip five feet wide.

19.61.100 Landscaping Requirements for Commercial and Industrial Parking Lots

Landscaping requirements for parking lots should incorporate LID techniques as feasible and meet the following:

- A. Parking lots fronting on a public street right-of-way shall have fifty square feet of "Type I" landscaping for every thirty-five hundred square feet of parking area. Additional landscaping is encouraged, provided that the planting shall not obstruct the vision triangle at street intersections and driveways.
- B. Additional plantings may be placed on street right-of-way behind the sidewalk line if the owner agrees to remove the landscaping, at the owner's expense, upon request of the City. The owner will maintain all landscaping placed in the right-of-way.
- C. No landscaping area shall be less than fifty square feet in area,
- D. No parking stall shall be located more than fifty feet from a landscaped area. The Planner may approve landscaping plans involving alternatives to this specification for individual properties if the proposed alternative would be more effective in meeting the purposes of this chapter.
- E. All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in satisfaction of these requirements.

- F. Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the landscaping area requirements.
- G. When a parking lot abuts residentially designated property along any interior property line, a "Type III" buffer, or a minimum five-foot wide "Type IV" buffer with plantings spaced to form a solid sight-obscuring screen within three years, shall be installed along the property line. An earthen berm may be substituted for the above landscaping requirements, provided that the berm acts as a substantial buffer or screen, is height and width appropriate to the area and is planted with grass or other appropriate ground cover. This requirement shall not apply when the abutting residentially designated property is six feet or more above or below the elevation of the immediately adjacent parking area.
- H. All landscaped areas shall be protected from vehicle damage by a six-inch protective curbing and, if necessary, wheel blocks.

19.61.110 Tree Removal or Planting.

- A. No person shall remove any tree(s) or shrub from any street, alleys, boulevard or parking strips of the City of Lynden without first having applied for and received a permit from the City to do so. The application for the permit and the permit shall be on forms prescribed by the City and there will be no charge for such a permit.
- B. No person shall plant any tree(s), or shrubs on the streets, alleys, boulevard or parking strips of the City of Lynden without first having applied and received a permit from the City. There will be no charge for such a permit.

19.61.120 Boulevard or Parking Strip – May be required

Boulevard or parking strips are encouraged and may be required by the City as part of development permit approval. Planting requirements are listed above as Type VI planting strips. Where street trees are required, the trees fronting a building lot must be installed prior to final occupancy for that building constructed on the building lot. At the time of plat approval, a note shall be placed on the face of the plat indicating that it is the responsibility of the property owner to maintain all trees placed within the City right-of-way abutting their property.

19.61.130 Boulevard or Parking Strip – Development and Maintenance

- A. Street trees shall be planted in accordance with accepted commercial planting procedures and appropriate root barriers shall be installed at the time of planting.
- B. Street trees shall be chosen in accordance with the plantings recommended by Puget Sound Energy. Lists of recommended trees are available from the Planning Department.
- C. The Public Works Director will prune and maintain, or cause to be pruned and maintained, all of the trees along Lynden streets. The City will maintain the street trees on Front Street between First and 17th Streets. The

remaining trees will be the responsibility of the adjacent property owner to maintain. If said trees are not maintained, the Public Works Director may cause those trees to be maintained at the expense of the adjoining property owner.

- D. All trees along City streets shall maintain a minimum clearance of thirteen feet, six inches between the ground and lowest branch. Street trees shall not be planted within the clear vision triangle.
- E. Adjacent property owners shall be liable for any persons injured or who otherwise suffers damage due to the failure of trimming and proper maintenance of trees by adjacent property owners. This shall include the replacement of sidewalks damaged by intruding roots.

19.61.140 Maintenance of existing trees

When a building or development is planned on a site that includes existing trees greater than twelve inches in diameter at five feet in height, every reasonable effort shall be undertaken to preserve those trees. Except however, that those trees that are diseased or that pose a threat to public safety may be removed. All landscape plans must show all existing trees, those trees to be removed and the placement of a number of trees equal to that number of trees to be removed.

19.61.150 Definitions.

As used in this chapter.

“Berm” means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

“Buffer” means a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

“Deciduous” means a plant with foliage that sheds annually.

“Conifer” means a plant with foliage that persists and remains green year-round, commonly known as evergreens.

“Ornamental tree” means a deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

“Screen” means a method of reducing the impact if noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

“Shade Tree” means usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy; normally a deciduous and rarely an evergreen.

“Shrub” means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

“Tree” means a large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or coniferous.

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

SECTION E. This ordinance shall take effect on October 1, 2019.

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)