

Ordinance No. 1657

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 17, TITLE 18
AND TITLE 19 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time to ensure orderly review of zoning regulations within the City; and

WHEREAS, on December 20, 2021, in recognition of the need to address the City's mixed-use code provisions to better serve the good of the community and the original intent of the code, the City Council passed Ordinance 1642 which established a moratorium on residential development within the City's Commercial Services-Local (CSL) zone and temporarily halted the development of mixed-use projects; and

WHEREAS, for the purposes of this resolution, mixed-use is considered a blend of residential and commercial uses in a shared building or on a shared property; and

WHEREAS, since Ordinance 1642 was adopted, staff has advanced an initiative and worked with relevant interest groups, property owners, and policy makers on a new mixed-use proposal; and

WHEREAS, the revision seeks to locate mixed-use developments, which often feature high density housing options, in areas near public transportation and existing commercial development; and

WHEREAS, locating mixed-use developments in these locations serves to support existing business and create more viable opportunities for new commercial uses within the mixed-use developments; and

WHEREAS, if a mixed-use development opts not to construct a commercial component the Mixed-Use Overlay standards will require that the developer provide semi-public open space which is meant to serve the greater community as well as the residents of that development; and

WHEREAS, the Mixed-Use provisions allow for high density residential development and must be mitigated by the use of pedestrian oriented design and, when developed, commercial uses which are amenities to the local user rather than regional in nature; and

WHEREAS, the initiative now proposes a new mixed-use overlay, LMC 19.23.110 Mixed Use Overlay, to the existing Chapter 19 of the Lynden Municipal Code and a corresponding Comprehensive Plan Amendment 22-01, and Rezone 22-02; and

WHEREAS, discussion regarding the new overlay resulted in supplementary corrections and amendments to other sections of the Lynden Municipal Code in support of a variety of planning initiatives including affordable housing provided by Manufactured Home Parks, provisions for open space within multi-family developments, clarifying the review process of the Design Review Board and of Planned Residential Developments, and amending the parking code to meet observed demand; and

WHEREAS, the following workshops have been held to review the proposed code amendments: Planning Commission workshop on March 24, 2022, Special Joint Community Development Committee and Planning Commission Workshop on May 18, 2022, and a Planning Commission workshop on September 8, 2022; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on September 22, 2022, to accept public comments on the proposed regulations and recommended adoption to the City Council which resulted in Resolution 22-06 which included the following recommended modifications:

1. 19.22.030 (C) (4) - That the Residential Design Criteria requirement for a 4:12 roof pitch remain with the option to seek a waiver with the Design Review Board.
2. 19.51.040 - That the parking requirements for studio apartments be added to reflect 1.5 parking stalls per unit.
3. 19.23.020 - That body piercing and tattoo studio uses remain as outlined in the current code – permitted only within the CSR zone.

WHEREAS, on September 23, 2022, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed updates to Title 17, Title 18 and Title 19 of the Lynden Municipal Code and,

WHEREAS, the proposed regulations were introduced to the Lynden City Council on November 21, 2022, and a date for a public hearing was set; and

WHEREAS, on December 19, 2022, 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, Council has indicated support for the Planning Commission's recommendations numbers 1 and 3 but has voted not to include recommendation number 2 regarding a parking ratio for studio apartments, and the code has been subsequently updated to reflect the supported recommendations.

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

SECTION A Title 17, amended as follows and detailed in Exhibit A Attached

1. Amend LMC 17.01.030 to add reference to three terms relating to the use of commercial storage facilities.

SECTION B Title 18 Amended as follows and detailed in Exhibit A Attached

1. Repeal and replace LMC 18.22 in its entirety with updates to the code which allow for increased density within Manufactured Home Parks and maintain this zoning category exclusively for manufactured homes.

SECTION C Title 19 Amended as follows and detailed in Exhibit A Attached

1. Repeal and replace LMC 19.11.020 to include reference to the newly created Mixed-Use Centers Overlay.
2. Repeal and replace LMC 19.17 in its entirety to update the methods by which setbacks are applied to multi-family buildings and to require common recreational amenities for developments with more than 8 dwelling units.
3. Repeal and replace LMC 19.19 to update the code to allow for increased density within Manufactured Home Parks and maintain this zoning category exclusively for manufactured homes and RVs.
4. Repeal and replace LMC 19.20-Accessory Dwelling Units in its entirety to revise the methods for reviewing detached accessory dwelling units.

5. Repeal and replace LMC 19.22-Residential Design Standards in its entirety to correct formatting errors and to incorporate clarifications of some standards applied to residential construction.
6. Repeal and replace LMC 19.23-Commercial Zoning in its entirety to, update and consolidate the permitted uses table, to address accessory structures within commercial zones, to clarify the need for review by the Design Review Board, and to incorporate new language, Section 19.23.110, pertaining to new zoning provisions called Mixed-Use Centers.
7. Repeal and replace LMC 19.29 in its entirety to incorporate a consolidation of the Master Planned Residential Development (MPRD) standards and Planned Residential Development (PRD) provisions, which were nearly identical, and to update City standard on the review of homeowners' association's covenants, conditions and restrictions (CCRs).
8. Repeal and replace LMC 19.45 in its entirety to incorporate amendments which clarify the scope of the Design Review Board and codify the City's policies on the Design Review process.
9. Repeal and replace LMC 19.51 in its entirety to generally update on-site parking requirements and specifically to increase on-site parking requirements for multi-family developments, to remove parking reductions for senior housing, to reduce the minimum length of a parking stall from 21 feet to 19 feet, and to ensure continuity between the code and the City's Engineering and Design Standards.
10. Repeal and replace LMC 19.63 in its entirety to incorporate minor updates and clarifications to the process and permitted standards related to fence permits.

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

SECTION F Effective Date. This ordinance shall be effective on January 1, 2023. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this _____ day of _____, 2022. Signed by the Mayor on this _____ day of _____, 2022.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

ROBERT CARMICHAEL, CITY ATTORNEY