

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>
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 ~~50-30~~ 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

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 No. 1581, § A, adopted June 3, 2019, repealed Ch. 19.17., §§ 19.17.010—19.17.110, and enacted a new Ch. 19.15 as set out herein.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.

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.

(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)

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	<u>Minimum</u> Yard Setbacks in Feet			
					Side Yard			
				Feet	Front <u>A Building's Front Elevation; or a Side Elevations that is</u>	A Building's Rear <u>Elevation</u>	<u>Minimum Building Side Elevations not oriented toward</u>	<u>Total of Building Side Elevations not oriented toward</u>

					<u>oriented toward the Primary Street Frontage</u>		<u>Primary Street Frontage</u>	<u>Primary 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	50-30

- 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. Private spaces such as rear yard patios and balconies shall not be counted toward this requirement.

C. 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 calculated area does not include private patios or balconies which are oriented toward specific residential units;
3. The area is safe in that it is visible, protected from vehicular traffic, and illuminated as needed for its intended use;
4. The area is easily accessible via pedestrian walkways to all residents living within the development;
5. The area is equipped 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;
6. The area is attractively landscaped;
7. Any proposed structures are consistent with the architecture of the primary structure(s).

19.17.100 Design review board

All multi-family developments with attached units will be subject to ~~approval review~~ by the design review board per LMC 19.45.030.

(Ord. No. 1581, § B, 6-3-2019)