

[Amending LMC 19.18 Pepin Creek Zones to include minimum development densities with the Pepin Creek Subarea.](#)

19.18.010 - Purpose and intent.

- A. Purpose. The purpose of the Pepin Creek Subarea is to meet the goals of the comprehensive plan by ~~allowing~~ promoting residential development averaging ~~approximately~~ about seven dwelling units per net acre and to allow a variety of housing types that will meet the needs of families throughout their lifecycle. Development in the Pepin Creek Subarea 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. Commercial uses are allowed where they serve the neighborhood.
- B. Established. The following zones and overlays are utilized within the Pepin Creek Subarea.

Commented [CM1]: Net acre is not defined anywhere, but this comes from the Pepin Creek Subarea Plan. I added "developable" because the Plan often uses the term "net developable" instead of just "net."

Zone or Overlay	Uses	Development Standards
RS-72	19.15	19.15
RMD	19.16	19.16
RM-PC	19.18.030	19.18.030
RM-3	19.17.020	19.17.060
Senior Overlay	19.18.040	19.18.040
Neighborhood Commercial Overlay	19.18.050	19.18.050
Public Use	19.27	19.27
Airport Overlay	19.55	19.55

Commented [DT2]: The Senior Overlay was removed from the Pepin Creek Subarea Plan prior to its adoption so it does not exist. Striking it here is a housekeeping item.

[-C. Minimum Densities within the Pepin Creek Subarea:](#)

- [1. Development must meet the minimum gross density for residential development according to the established zone category.](#)

<u>Zone</u>	<u>Minimum Density*</u>
RS-72	4 DU / Acre
RMD	5 DU / Acre

RM-PC	6 DU / Acre
RM-3	8 DU / Acre

[*See Section 19.11.030 regarding calculation of minimum and maximum densities.](#)

[2. Lots created in conformance with subsection C\(1\) above may not be subsequently eliminated, consolidated, or bound together with another lot in the Pepin Creek Subarea, except as authorized by this subsection. The foregoing restriction shall be stated on the face of each plat in the Pepin Creek Subarea. A request for relief may be brought to City Council through a plat vacation or alteration pursuant to RCW 58.17.212, et seq., lot line adjustment before director approval under Ch. 18.08 LMC, or a request for approval of a covenant, deed restriction, or other means, to bind lots. The City Council may grant the requested relief after a public hearing if it finds that such relief will serve the public use and interest.](#)

[DC.](#) Conflicts. If there are any conflicts between the provisions of this chapter and any other parts of the Lynden Municipal Code, this chapter shall prevail except for where standards necessary to maintain public safety related to the operation of the airport.

(Ord. No. 1575, § A, 3-4-2019)

19.18.020 - Primary permitted uses within the Pepin Creek Subarea.

The primary permitted uses in the Pepin Creek Subarea are as follows. See Figure 19.18.010-1 to reference the location of applicable secondary, accessory, and conditional uses as well as development standards specific to each zoning category.

- A. Single ~~Family-family Dwelling-dwelling~~ units, including detached site built single family dwellings and new manufactured homes. This includes types such as large lot single family, small lot single family and cottages.
- B. Single family attached dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex dwelling units.
- D. Multi-family dwelling units typically limited to a maximum of four to eight units per building.

~~E.—The senior overlay provides the opportunity for development to accommodate a specific user. When activated, the permitted uses within the overlay include senior cottages, attached single family units, senior multi-family dwelling units, developed to standards specific to the overlay. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of three hundred total units within the senior overlay districts. All multi-family dwellings that contain more than four units per building within the Senior Overlay must be age restricted to persons age fifty five and older.~~

~~F. Nursing home and assisted living facilities as defined in RCW 74.39A.009 are considered primary uses in senior overlay;~~

~~EG. The neighborhood commercial overlay, provides an opportunity for a variety of primary permitted uses in key locations. These include personal services, sales of consumer goods, restaurants and cafes, banks and financial institutions, and upper story residential uses as further described in LMC 19.18.050.~~

~~1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry cleaning, or others that would serve the subarea.~~

~~2. Sales of General Consumer Goods. 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.~~

~~3. Restaurants and cafes.~~

~~4. Banks and financial institutions.~~

~~5. Second story residential uses may be developed in conjunction with first floor commercial uses.~~

(Ord. No. 1575, § A, 3-4-2019)

19.18.030 - Pepin Creek multi-family zone (RM-PC) and uses established.

A. Primary Permitted Uses.

1. ~~Multi family dwelling units, that is multiple dwelling units located on a single lot, Multi-family dwelling units and two-family dwelling units~~ are permitted with the following restrictions:

a. Buildings containing two to four units are permitted consistent with Section 19.18.030.F and applicable design standards.

b. Buildings containing five to eight units are permitted at a ratio of one for every twenty-five lots created. Lot count may include those used for multi-family dwelling units, attached single family dwellings, or detached single family dwelling. Development must be consistent with Section 19.18.030.E and applicable design standards.

2. Single family attached dwelling units which are ~~ground-ground~~-related, fee simple ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types. A maximum of four units may be attached to one another.

3. Single family dwelling units, including detached site-built single family dwellings and new manufactured homes.

B. Accessory Permitted Uses. Accessory permitted uses in the RM-PC zone is as follows:

1. Private garages for single family or single family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area 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;

2. Single family 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;
 3. Tool sheds, satellite dishes, outdoor patios and outdoor fireplaces consistent with applicable design standards;
 4. 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 eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six-month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet 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;
 5. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of this Code LMC and subject to Section LMC 19.37.090;
 6. Attached and detached accessory dwelling unit (ADU) consistent with Chapter 19.20 permitted in detached single family homes only.
 7. No more than five, currently licensed and/or operable passenger vehicles may be stored on any ~~single-single~~ family residential lot, subject to LMC 19.31.020.A. Inoperable vehicles may not be stored in the front yard ~~(refer to Section 19.31.020.A)~~.
 8. Recreation areas for residents.
- C. Secondary Permitted Uses. Secondary permitted uses in the Pepin Creek Subarea zones are as follows:
1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
 2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the neighborhood commercial overlay;
 3. Home occupations. See Chapter 19.57;
 4. Gardening and fruit growing not for commercial sale;
 5. 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 Chapter 19.39 of this Code;
 6. Family day care centers for up to eight individuals, not including the residents of the dwelling unit;
 7. Parks and playgrounds;
 8. Adult family homes and residential care facilities, for up to six-eight adults, when approved by the Washington State Department of Social and Health Services (DSHS).
 9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the commercial neighborhood overlay. The event or sale shall be limited to seven days

Commented [CM3]: As of June 2020, the legislature added statutory provisions allowing homes to care for seven or eight residents if they meet additional licensing criteria. Do we want to increase this to eight?

or less and all temporary structures must be removed within seventy-two hours of the sale or event.

D. Conditional Permitted Uses. The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with Section 19.49.050.

1. Public buildings and utility sub-stations;
2. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas;
3. Day care facilities for more than eight ~~people~~ individuals with the maximum number of individuals to be determined as part of the conditional use permit process;
4. Nursing home and assisted living facilities as defined in RCW 74.39A.009 when located in the RS-72, RMD, or RM-PC zones;
5. Bed and breakfast establishments (see Section 19.49.030);
6. Churches, provided that the front yard is landscaped and all other parking and landscaping requirements are met; and
7. Schools.

E. Front Yard Use for Residential Uses.

1. Front yards shall be used for ornamental purposes only. 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.
2. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle.
3. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to Section 19.31.020.B)

F. RM-PC Development Standards. The development standards for the RM-PC zone are as follows:

1. RM-PC Height, Density, Area, Coverage, and Bulk Requirements.

Zone	Minimum Lot	Maximum <u>Gross</u>	<u>Minimum</u> <u>Gross</u>	Maximum Lot	Maximum	Maximum

	Size	Density*	Density*	Coverage	Height	Stories
RM-PC Single Family Detached	4000 sf	12 DU/AC	6 DU / AC	35%	32'	2
RM-PC Single Family Attached	3000 sf	12 DU/AC	6 DU / AC	50%	40'	3
RM-PC Multi-family dwelling	1600 sf per unit	12 DU/AC	6 DU / AC	40%	40'	3

~~* Residential densities are based on net land area.~~ *See Section 19.11.030 regarding calculation of minimum and maximum densities.

G. RM-PC Setback Requirements.

Setbacks

	RM-PC Detached	RM-PC Attached	RM-PC Multi Dwelling
Front Setback			
ROW to Porch	8'	8'	15'
ROW to House	10'	10'	20'
ROW to Garage	25'	25'	25'
Green to Porch	4'	4'	10'
Green to House	6'	6'	10'
Side Setback*			
Minimum Side	7'	0' on attached	10'

		sides, 10' on each unattached side	
Side Total	14'	20'	20'
Corner Lot	10'	10'	14'
Rear Setback*			
Alley Easement to Garage Side	3'	3'	3'
Garage Side to Property Line	5'	5'	5'
Alley to Garage Door	21'	21'	25'
Alley to House	15'	10'	20'
To House	15'	10'	15'

+ 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 ten feet.

1. Additional RM-PC Development Standards:

- a. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in this section. Additional fire protection may be required for structures located within ten feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to Section 19.35.030.
- c. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.

- d. Structures covering decks or patios are permitted within the rear setback provided that the structure remains open on three sides, does not come within ten feet of the rear property line for detached homes on lots zoned RM-PC, does not encroach into the side yard setbacks of the underlying zone, and the addition does not exceed the permitted lot coverage.

H. Standards for Detached Accessory Buildings.

1. 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 eighteen inches.
2. A detached accessory structure may not be built closer than six feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than three feet to the rear property line. Structures which do not require a building permit per Chapter 15.04 must be setback a minimum of three feet to the side or rear property line.
3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
4. The maximum height for all detached accessory structures shall be twelve feet, except for detached garages as noted below.
5. The maximum height of any detached garage shall be eighteen feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for ~~Accessory~~ accessory dwelling units in Chapter 19.20 LMC. The roof pitch and siding on any detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.
6. A secondary garage or shop shall be set behind the rear line of house.

I. Transition Area Standards.

1. A transition area of one hundred feet is applied to the RM-PC zone where the RM-PC zone abuts RS zoning located inside and outside of the Pepin Creek Subarea. ~~The transition area is also applied when the Senior Overlay is activated adjacent to RS zoning located inside and outside of the Pepin Creek Subarea.~~
2. A ten foot wide Type IV landscape buffer and six foot privacy fencing are required on RM-PC properties where abutting RS zones. Alternatively, a buffer is not required if lots are limited to a primary use as a detached single family home or pairs of attached single family homes.
3. Lots developed in the transition zone shall be limited to the maximum height of the abutting RS zone.

J. Open Space Requirements.

1. Each lot must maintain a minimum of seven and one-half percent in open space.
2. RM-PC developments which meet or exceed six units to the acre in net density must also provide common open space equal to ten percent of the developable parcel size. Common open space may be designed as a pocket park, common green, or access easement. Perpetual maintenance of the common open space must be addressed at the time of plat or development if a plat is not required.

3. Common open space must meet the following requirements:
 - a. One two inch caliper canopy tree is required for every one thousand square feet.
 - b. Spaces must be accessible to residents and suitable for passive or active recreational use. Play structures or pet friendly areas are encouraged.
 - c. Sidewalks or paths accessing the area must be a minimum of four feet wide.
 - d. The minimum lawn coverage of a common green area shall be seventy percent.
- K. Residential Design Requirements. All residential dwelling units must meet the following design criteria unless varied by the design review board as provided under ~~Section LMC~~ 19.45.035:
 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. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement. 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.
 3. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
 4. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
 5. The exterior of the home must be finished with a minimum of two types of materials. Exposed fastener metal siding is prohibited on residential buildings.
 6. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
 7. No more than fifty percent of the lineal frontage of the building elevation may be occupied by garage doors. For the purposes of this section, a set of garage doors serves one dwelling unit and means one double garage door or two single garage doors separated by less than five feet.
 8. Only one set of garage doors may face the street unless the garage doors are setback from the living area a minimum of ten feet.
 9. All parking requirements of Section 19.51.040 must be met on site.
- L. RM-PC Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 ~~of this title LMC~~, all proposed multi-family and attached single family development consisting of two or more attached units in this zone shall comply with ~~Section LMC~~ 19.17.110.

(Ord. No. 1575, § A, 3-4-2019)

~~19.18.040 – Pepin Creek Senior Overlay and Uses Established.~~

~~A. The senior overlay provides the opportunity for development to accommodate a specific user and developed to standards specific to the overlay.~~

- ~~1. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of three hundred total units.~~

- ~~2. Utilization of the senior overlay standards requires the creation and recording of an associated plat or planned residential development (PRD). The use of the senior overlay must be indicated on the face of the plat.~~
- ~~3. All multi family dwellings that contain more than four units per building within the senior overlay must be age restricted to persons age fifty five and older through a recorded covenant.~~
- ~~4. Any development within the senior overlay that is developed at densities above the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age fifty five and older.~~

~~B. Senior Overlay Primary Uses.~~

- ~~1. Multi family dwelling units, that is multiple dwelling units located on a single lot, are permitted.~~
- ~~2. Single family attached dwelling units which are ground related, fee simple ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types. A maximum of four units may be attached to one another.~~
- ~~3. Single family dwelling units, including detached site built single family dwellings and new manufactured homes.~~
- ~~4. Care Facilities. Nursing home and assisted living facilities as defined in RCW 74.39A.009.~~

~~C. Senior Overlay Accessory Permitted Uses.~~

- ~~1. Private garages for single family or single family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area 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;~~
- ~~2. Single family 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;~~
- ~~3. Tool shed, satellite dish, outdoor patios and outdoor fireplaces consistent with applicable design standards;~~
- ~~4. 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 eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet 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;~~
- ~~5. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of this Code and subject to Section 19.37.090;~~
- ~~6. Accessory dwelling unit (ADU) consistent with Chapter 19.20 permitted in detached single family homes only;~~

~~7. No more than three, currently licensed and/or operable passenger vehicles may be stored on any single family residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020.A);~~

~~8. Recreation areas for residents;~~

~~9. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.~~

~~D. Senior Overlay Secondary Permitted Uses.~~

~~1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;~~

~~2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the Neighborhood Commercial Overlay;~~

~~3. Home occupations. See Chapter 19.57;~~

~~4. Gardening and fruit growing not for commercial sale;~~

~~5. 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 Chapter 19.39 of this Code;~~

~~6. Adult day care centers for up to eight individuals, not including the residents of the dwelling unit;~~

~~7. Parks and playgrounds;~~

~~8. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS);~~

~~9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the commercial neighborhood overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within seventy-two hours of the sale or event.~~

~~E. Conditional Permitted Uses in the Pepin Creek Senior Overlay Zones. The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with Section 19.49.050.~~

~~1. Public buildings and utility sub stations.~~

~~F. Senior Overlay Development Standards. The development standards for developments utilizing the senior overlay are as follows:~~

~~1. Senior Overlay Height, Density, Area, Coverage, and Bulk Requirements.~~

Zone	Minimum Lot Size	Maximum Density*	Maximum Lot Coverage	Maximum Height**	Maximum Stories
Senior Overlay-Detached	4000-sf	12-DU/AC	40%	32'	2

Single Family Homes					
Senior Overlay Attached Single Family Homes	3000-sf	12-DU/AC	50%	32'	2
Senior Overlay Multi-family dwelling	1600-sf per unit	12-DU/AC	40%	40'	3
Senior Overlay Care Facilities	1-acre	30-DU/AC	40%	40'	3

-

* Residential densities are based on net land area.

** Any development within the senior overlay that is developed at densities above the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age fifty-five and older.

Senior Overlay Setback Requirements

Setbacks	Senior Overlay Detached Single Family	Senior Overlay Attached Single Family	Senior Overlay Multi-Family Dwelling	Senior Overlay Care Facility
Front Setback				
—ROW to Porch (or Portico here for Care Facilities)	8'	8'	15'	25'
—ROW to House or Facility	10'	10'	20'	30'
—ROW to Garage	25'	25'	25'	25'
—Green to Porch	4'	4'	10'	10'
—Green to House	6'	6'	10'	10'

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Side Setback*				
— Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'	50% of building height specific to each side
— Side Total	14'	20'	20'	50'
— Corner Lot	10'	10'	14'	
Rear Setback*				
— Alley Easement to Garage Side	3'	3'	3'	NA
Garage Side to Property Line	5'	5'	5'	NA
Alley to Garage Door	21'	21'	21'	NA
— Alley to House	15'	10'	20'	NA
— To House	15'	10'	15'	30'

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

* 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 ten feet.

2. Additional Senior Overlay Development Standards Provisions:

- a. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in Section 19.16.070 or, for care facilities, half of the rear setback. Additional fire protection may be required for structures located within ten feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to Section 19.35.030.

~~e.—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. Deck privacy screening or fencing shall not be higher than eighty four inches above the lowest grade.~~

~~d.—Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within ten feet of the rear property line for detached homes within the senior overlay; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.~~

~~G. Standards for Detached Accessory Buildings.~~

~~1.—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 eighteen inches.~~

~~2.—A detached accessory structure may not be built closer than six feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than three feet to the rear property line. Structures which do not require a building permit per Chapter 15.04 must be setback a minimum of three feet to the side or rear property line.~~

~~3.—Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.~~

~~4.—The maximum height for all detached accessory structures shall be twelve feet, except for detached garages as noted below.~~

~~5.—The maximum height of any detached garage shall be eighteen feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for accessory dwelling units in Chapter 19.20. The roof pitch and siding on any detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.~~

~~6.—A secondary garage or shop shall be set behind the rear line of the house.~~

~~H. Senior Overlay Open Space Requirements.~~

~~1.—Each lot must maintain a minimum of seven and one half percent in open space.~~

~~2.—Senior Overlay developments which exceed six units to the acre in net density must also provide common open space equal to ten percent of the developable parcel size. Common open space may be designed as a pocket park, courtyards, common green or access easement.~~

~~3.—Common open space must meet the following requirements:~~

~~a.—One two inch caliper canopy tree is required for every one thousand square feet.~~

~~b.—Spaces must be accessible to residents and suitable for passive or active recreational use.~~

~~c.—Sidewalks or paths accessing the area must be a minimum of four feet wide.~~

~~d.—The minimum lawn coverage of a common green area shall be seventy percent.~~

~~I.—Senior Overlay Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 of this title, proposed multi family development totaling more than two multi family or attached single family units in this zone shall comply with Section 19.17.110.~~

(Ord. No. 1575, § A, 3-4-2019)

19.18.050 - Pepin Creek Neighborhood Commercial Overlay and Uses ~~Established~~Described.

- A. The neighborhood commercial overlay provides opportunities for a variety of primary permitted uses in key locations. Commercial uses may be established under the following conditions:
1. Uses are subject to the development and setback standards for the underlying zoning.
 2. Parking standards per Chapter 19.51 LMC must be met; however, up to fifty percent of the required surface parking may be shared between commercial and residential uses which occupy the same structure if commercial uses are not considered nighttime uses per ~~Section~~ LMC 19.51.090.
 3. Commercial structures are subject to applicable design standards and the approval of the design review board.
- B. The neighborhood commercial overlay provides opportunities for a variety of primary permitted uses in key locations. These include:
1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, child or adult daycare, or others that would serve the subarea.
 2. Sales of General Consumer Goods. 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, and farm equipment. Outdoor storage associated with the sales of general consumer goods is also not allowed.
 3. Restaurants and Cafes. Single lane drive-thrus which are screened and oriented away from the street are permitted.
 4. Professional offices, banks and financial institutions.
 5. Second and upper story residential uses may be developed in conjunction with first floor commercial uses.

(Ord. No. 1575, § A, 3-4-2019)