

CITY OF LYNDEN
CITY COUNCIL RESOLUTION NO. 23-1076

**A resolution of the Council of the City of Lynden, Washington,
requesting Planning Staff and the Community Development Committee
to reconsider a proposed amendment to LMC 19.22 regarding
enclosure and screening of patios.**

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

WHEREAS, a proposal was brought forward to amend Lynden Municipal Code (LMC) Title 19, Section 19.22 regarding patio enclosures and screening in order to provide better clarification on the options for securing covered patios with railings or sheltering from sun, wind or visibility; and

WHEREAS, the Lynden Planning Commission held an open record public hearing on May 11, 2023, to accept public comments on the proposed amendment; and

WHEREAS, the Planning Commission recommended adoption of the amendment as described in Resolution No. 23-04; and

WHEREAS, on June 19, 2023, the Lynden City Council held a public hearing to accept public testimony on the proposed amendment to LMC 19.22 and to consider the matters of record to that date; and

WHEREAS, following the public hearing, the City Council did not approve the recommended amendment to LMC 19.22 regarding enclosure and screening of patios⁰ but requested that the Planning Commission reconsider the amendment to allow options by which residents can achieve a higher degree of enclosure for patios; And

WHEREAS, on June 21, 2023, the Community Development Committee discussed the potential edits to the code to allow for additional enclosure while still providing substantial ventilation; and

WHEREAS, the Committee clarified that the edits be reconsidered by Planning, Fire, and Building Staff rather than the Planning Commission and that, upon concluding edits to the language of LMC 19.22 the item would be returned to the Community Development Committee at their September meeting and, if appropriate, slated for return to the City Council for a final decision.

NOW THEREFORE, BE IT RESOLVED by the Lynden City Council as follows:

- 1) The proposed amendment to LMC 19.22 regarding the screening and enclosing of outdoor patios which was removed from Ord 23-1669 by Council action on June 19,

2023, shall be returned to the Community Development Committee (CDC) for reconsideration within 60 days of the date this resolution.

- 2) The CDC meeting must be open to the public. The CDC may consider additional public comment but is not required to do so for this reconsideration.
- 3) Planning Staff is asked to draft, and the CDC is asked to consider additional options by which residents can achieve a higher degree of enclosure while still allowing for substantial ventilation for patios than allowed in current code or under the prior proposed amendment to LMC 19.22. These standards would then apply to patios that meet the minimum rear setback required for covered patios as described in LMC 19.22.030(E).

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF _____ IN FAVOR,
_____ AGAINST, SIGNED THIS _____ DAY OF _____ 2023.

MAYOR

Scott Korthuis

ATTEST:

Pam Brown, City Clerk

APPROVED AS TO FORM:

Bob Carmichael, City Attorney