
Proposed Amendment to Small Scale Mixed-Use Regulations

19.23.110 Mixed-use centers overlay.

- A. Purpose. The primary purpose of mixed-use projects using the mixed-use centers overlay is to:
1. Provide for a compatible mix of multifamily housing, neighborhood commercial businesses, and semi-public open spaces;
 2. Foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses;
 3. Promote a compact growth pattern to efficiently use developable land, and to enable the cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
 4. Foster the development of mixed-use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide sensitive transitions between different land uses;
 5. Ensure that buildings and other development components are arranged, and designed, and oriented to facilitate pedestrian access.
- B. Establishment, Scope, and Criteria for Approval of a Mixed-Use Overlay Assignment.

Mixed-use overlay is established in Chapter 2 of the city of Lynden Comprehensive Plan. Locations of the overlay are identified within the city of Lynden Comprehensive Plan land use element according to the criteria described below.

The Mixed-use overlay is assigned to key locations within the city of Lynden which are within one quarter of a mile of existing commercial centers.

Properties are eligible to utilize the provisions within the mixed-use overlay when the following criteria are met:

1. Sub-Area: Properties located within the West Lynden Commerce Subarea are not eligible for mixed-use overlay provisions.
2. Zoning: The property zoned Commercial Services - Local (CSL) or Commercial Services - Regional (CSR).
3. Scale: The property or contiguous group of subject properties applying to construct a project using the provisions of the mixed-use overlay at least one acre in size.
4. Location: The subject property(s) is within walking distance of a qualifying commercial center.

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- a. Walking distance is one quarter mile or less as measured from the edge of the subject property to the geometric center of the qualifying commercial center following a walkable path.
 - b. Qualifying Commercial Centers are identified in the land use element of the city's comprehensive plan. These centers have at least seventeen thousand square feet of gross floor area dedicated to general retail uses and at least six tenants which provide goods or services to the general public.
 - c. New commercial centers can be added to the city's list of qualifying commercial centers through an amendment to the land use element of the city's comprehensive plan.
- B. Small Scale Mixed-Use within the Historic Business District (HBD) and Commercial Services - Local (CSL) Zones of the Central Lynden and the South Historic Business District (SHBD) sub-areas.
- 1. Applicability within the Historic Business District (HBD).
 - a. Properties within the HBD that do not meet the criteria to utilize mixed-use center provisions due to the scale of the property/development site are permitted to establish residential uses on upper stories.
 - b. Ground level space is limited to commercial (nonresidential) uses permitted within the HBD except that up to forty percent of the ground level may be utilized for Type A and Type B adaptable residential dwelling units as defined by the International Building Code in order to facilitate the creation of accessible units for individuals with disabilities.
 - i. Commercial space used to fulfill the commercial component must equal sixty percent of the gross ground floor(s) of the building(s) constructed.
 - ii. The minimum area dedicated to the commercial component shall not include parking garage, mechanical rooms, riser rooms, or storage facilities. Refer to LMC 19.23.020 for permitted mixed-use overlay commercial uses and special requirements regarding storage facilities.
 - 2. Applicability within the Central Lynden and SHBD Sub-areas. The CSL zones of the Central Lynden and SHBD subareas include properties that have traditionally included a wide variety of uses. These sub-areas, as a whole, represent a mixed-use district. To continue to facilitate this mixed-use identity, properties located in the Central Lynden and SHBD sub-areas that are zoned CSL but are not within the Historic Business District (HBD) and do not qualify for mixed-use centers provisions due to the scale of the property are permitted to establish new residential uses in the following situations:
 - a. Mixed Use within a Single Building. Residential units are permitted in the CSL zone, in the Central Lynden and SHBD subareas, on the upper floors of a building

which features commercial space on the first floor but overall building height is typically limited to thirty-two feet. unless a Conditional Use Permit is granted to allow building height to reach 40 feet. Conditional Use proposals for additional height should demonstrate consistent scale with other nearby structures and address potential impacts of the additional height.

- b. Conversion of an Existing House.
 - i. A second residential attached unit is permitted within or by adding onto structures that were constructed as single-family homes prior to 1992. All renovations and additions are subject to building permit approval. Additional units may also require utility upgrades.
 - ii. If the net lot area is eight thousand square feet or greater, up to three attached units are permitted through the renovation of an existing structure subject to the standards and design criteria listed in this sub-section. This provision is only applicable for parcels that, as of 2023, due to their scale do not qualify for the mixed-use centers overlay.
- c. New Construction.
 - i. New duplex structures are permitted on CSL zoned properties within the Central Lynden and SHBD sub-areas subject to the design criteria listed in this sub-section.
 - ii. If the net lot area is eight thousand square feet or greater, up to three attached units are permitted as new construction subject to the standards and design criteria listed in this sub-section. This provision is only applicable for parcels that, as of 2023, due to their scale do not qualify for the mixed-use centers overlay.

3. Design Standards for Small Scale Mixed-Use within the Central Lynden and South Historic Business District Subareas: Commercial Services-Local (CSL) Zone

Max Lot Coverage	Max Height of a Building that includes Residential Units	Front Setback	Rear Setback	Side Setback
60%	32 feet <u>(40 feet with a CUP)</u>	15 feet	20 feet	7 feet

- a. Design Review: New multifamily residential construction within the CSL zones in the Central Lynden and SHBD sub-areas require design review board approval when exterior changes are proposed. In addition to the city's design guidelines the following criteria must be met:

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- i. New construction must match the scale of the surrounding structures. Applicants must supply images of adjacent structures when submitting an application to the design review board.
 - ii. Although multiple units are accommodated, the architectural styles of new construction must mimic that of a single-family home if the adjoining properties were constructed as single-family homes.
 - iii. Garage access, if proposed, must be from the alley if alley access is available so as to limit garage doors along street frontages.
 - iv. Front entry must be shared between units or distributed to different facades of the building so as to appear as a single-family home.
- b. Residential parking standards within the CSL zones of the Central Lynden and SHBD sub-areas: Two parking spaces are required for the first residential unit, one space per every additional unit.

(Ord. No. 1657, § C(Exh. A), 12-19-2022; Ord. No. 23-1669, § Exh. A, 6-19-2023)