

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Ord 23-1669 Amending LMC 19 re Patio Screening and South HBD Mixed-Use	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Ord 23-1669, Planning Commission Minutes of 5-11-23, Photo examples of Patio Screening		
<b>Summary Statement:</b>		
<p>Planning staff is bringing forward Ord. 23-1669 which would amend the Lynden Municipal Code in two places. The first amendment would clarify the standards related to covered residential patios located in (LMC 19.22.030) and the 2<sup>nd</sup> would address Small-Scale Mixed-use within the South Historic Business District (LMC 19.23.110).</p> <p>In 2018, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on 3 sides and maintained an 18-foot rear setback. These standards are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger. Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. After Committee discussion, staff was asked to draft an amendment to clarify the options for securing patios with railings or sheltering from sun, wind, or visibility but maintaining patios as outdoor rather than indoor spaces.</p> <p>Ord 23-1669 also includes language which makes small commercial parcels within the South Historic Business District (HBD) eligible to use the standards associated with Small Scale Mixed-Use provisions. The omission of this sub-area to these regulations was an oversight during the recent adoption of Ord 1657. The new standards would benefit 5 parcels within the South HBD that are less than an acre in size.</p> <p>The Planning Commission heard these items on May 11<sup>th</sup> and voted to recommend. The Community Development Committee reviewed and recommended that railing heights in LMC 19.22 be allowed up to the standard height of 42" rather than 36" as reflected in the recommended action below.</p>		
<b>Recommended Action:</b>		
Motion to approve Ord 23-1669 and authorize the Mayor's signature on the document with the condition that LMC 19.22.030(E)(3)(b) be revised to permit railings of up to 42" on covered patios.		