

Ordinance No. 23-1669

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 19 OF THE
LYNDEN MUNICIPAL CODE REGARDING PATIO ENCLOSURES AND
SCREENING AND SMALL-SCALE MIXED-USE PROVISIONS

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

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

WHEREAS, the City proposes 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 shelter from sun, wind or visibility, as shown in **Exhibit A**.

1. These conditions of construction 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.

WHEREAS, the City proposes to amend Lynden Municipal Code (LMC) Title 19, Section 19.23 regarding Small Scale Mixed-Use Provisions for the South Historic Business District.

1. Since adoption of Ordinance 1657, City staff has realized that a small number of properties (approximately 5) that are within the South Historic Business District – the small subarea directly south of downtown - would also benefit from the small-scale mixed-use provisions outlined in LMC 19.23.110.
2. This proposed amendment to Lynden Municipal Code (LMC) Chapter 19.23.110(B), as shown in **Exhibit B**, makes those properties with Commercial Services – Local (CSL) zoning in the SHBD eligible for small-scale mixed-use provisions and

WHEREAS, the Lynden Planning Commission held an open record public hearing on May 11, 2023, to accept public comments on the proposed amendments to LMC Chapters 19.22 and 19.23 and recommended adoption to the City Council through Planning Commission Resolution #23-03 and #23-04.

WHEREAS, on June 19, 2023, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments to LMC 19.22 and LMC 19.23 and to consider the matters of record to that date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

SECTION C Title 19 Amended as follows and as detailed in Exhibit A and Exhibit B attached.

1. Repeal and replace LMC 19.22.030 in its entirety to incorporate updates and clarifications regarding patio enclosures and screening.
2. Repeal and replace LMC 19.23.110 in its entirety to incorporate minor updates and clarifications related to the Mixed-Use Centers overlay.

SECTION D Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION E Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION F Effective Date. This ordinance shall be effective five days after the date of publication. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this _____ day of _____, 2023. Signed by the Mayor on this _____ day of _____, 2023.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

ROBERT CARMICHAEL, CITY ATTORNEY