

ORDINANCE NO. 1576

**AN ORDINANCE OF THE CITY OF LYNDEN TO REPEAL AND REPLACE
CHAPTER 19.16, RESIDENTIAL MIXED DENSITY ZONE OF THE LYNDEN
MUNICIPAL CODE**

WHEREAS, the City of Lynden has adopted regulations pertaining to land development in order to ensure consistent, timely and orderly review of zoning and development applications with the City of Lynden; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time ensure that all development within the City complies with the adopted comprehensive plans, provides consistency and upholds the character of the neighborhood and or the surrounding neighborhoods, and

WHEREAS, the purpose of the residential mixed density zone (RMD) is to meet the stated goals of the Comprehensive Plan by allowing increased residential density to be integrated within single family neighborhoods within the community.

WHEREAS, on January 25, 2019, the City issued a SEPA Determination of Non-Significance related to this Ordinance; and

WHEREAS, the Lynden Planning Commission held multiple work sessions to develop the revised zoning code draft; and

WHEREAS, the Lynden Planning Commission held a public hearing on January 24, 2019, on the proposed repeal and replacement of Chapter 19.16 of the Lynden Municipal Code regarding the Residential Mixed Density Zone; and

WHEREAS, on January 25, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed repeal and replace of Chapter 19.16 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, on March 4, 2019, the Lynden City Council held a public hearing to consider the Planning Commissions recommendation and to hear additional public input regarding the changes to Chapter 19.16, Residential Mixed Density Zone; and

NOW THEREFORE, the Lynden City Council does ordain as follows:

SECTION A. Chapter 19.16 of the Lynden Municipal Code is hereby repealed in its entirety.

SECTION B. A new chapter 19.16 of the Lynden Municipal Code is hereby adopted as follows:

Sections:

- 19.16.010 Purpose and Intent
- 19.16.020 Permitted Uses
- 19.16.030 Accessory Permitted Uses
- 19.16.040 Secondary Permitted Uses
- 19.16.050 Conditional Property Uses
- 19.16.060 Development Standards – Density, Lot, Height, Setbacks
- 19.16.070 Additional Development Standards
- 19.16.080 Residential Design Requirements
- 19.16.085 Subdivision Design Guidelines
- 19.16.090 Fences
- 19.16.100 Front Yard Uses

19.16.010 - Purpose and intent.

The purpose of creating the residential mixed density zone (RMD) is to meet the stated goals of the comprehensive plan by allowing increased residential density to be integrated within single family neighborhoods within the community.

The intent in the creation of this zone is to allow a creative mixture of single-family and duplex housing styles and types. Development of this area 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 and making low impact development (LID) the preferred and commonly used approach to site development.

19.16.020 - Permitted uses.

Permitted uses in the residential mixed density zone are as follows:

- A. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes. This includes types such as large lot single family and small lot single family units. Mobile homes as defined in Section 17.01.030 LMC are prohibited.
- B. Two Single Family Attached Dwelling units, which are ground related, fee simple-ownership units that are attached through shared walls or rooflines are allowed. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex units. This includes two attached units on one parcel.

19.16.030 - Accessory permitted uses.

Accessory permitted uses are as follows:

- A. Private garages. 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 greater.
- B. 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.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. 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.
- E. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.
- F. Accessory dwelling unit (ADU) per LMC Chapter 19.20.

19.16.040 - Secondary permitted uses.

Secondary permitted uses are as follows:

- A. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes.
- B. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises.
- C. Home occupations. See Chapter 19.57.
- D. Gardening and fruit growing not for commercial sale.

- E. 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 Section 19.39 of this code.
- F. Family day care centers for up to eight individuals, not including the residents of the dwelling unit.
- G. Parks and playgrounds.
- H. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.16.050 - Conditional property uses.

The following property uses may be permitted in single family zones by conditional use permit when recommended by the planning commission and approved by the city council. The conditional use permit may authorize height variations for public buildings, utility sub-stations, schools and churches.

- A. Public buildings and utility sub-stations.
- B. Club facilities that are directly related to home development such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.
- C. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process.
- D. Churches, provided that the lot coverage does not exceed thirty-five percent, the front yard be landscaped and all other parking and landscaping requirements are met.
- E. Schools.
- F. Bed and breakfast establishments. (Refer to Section 19.49.030)
- G. Manufactured home parks or subdivisions subject to the development objectives of the applicable sub-area plan.

19.16.060 - Development Standards - Density, Lot, Height, Setbacks

	Detached Units	Attached Units
Minimum Lot Size ^{b, c}	6,000 sf	4,000 sf each unit
Maximum Lot Coverage on lots less than 7,000 sf	40%	35%
Maximum Lot Coverage on lots 7,000 sf or greater	35%	35%
Maximum Height	32'	32'
Maximum Stories	2 stories	2 stories
Front Setback		
ROW to Porch	10'	10'
ROW to House	15'	15'
ROW to Garage	25'	25'
Side Setback ^d		
Minimum Side	7'	0' attached side, 7' detached side
Side Total	14'	7' each end, 14' total
Corner Lot	10'	10'
Rear Setback ^d		
Alley Easement to Garage Side	3'	3'
Garage Side to Property Line	5'	5'
Alley to Garage Door	21'	21'
Alley to House	20'	20'
To House	20'	20'

Table Notes:

- a. For the purpose of this section net land area means the gross acreage within a parcel minus all development requirements, designated critical areas and their buffers.
- b. Lots developed immediately adjoining a different single family residential zone shall not be less than 80% of the minimum lot size of that adjoining zone. For the purpose of this section properties that are separated from another single family residential zone by a street are not immediately adjoining said zone.
- c. A minimum of 40% of the net land area within a development shall be divided into lots with a minimum size of 7200 square feet or larger
- d. 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 10 feet.

19.16.070 - Additional Development Standards

- A. 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 LMC 19.16.070. Additional fire protection may be required for structures located within 10 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 LMC 19.35.030.
- B. On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be 25 feet.
- C. An attached garage may be built as close as six feet to the side property line provided the living area setbacks total twenty feet, from the foundation to the property line.
- D. On corner lots, the side yard setback adjacent to the street must be a minimum of ten feet.
- E. On corner lots, the primary pedestrian entrance to the building shall be from the designated front yard. However, the primary pedestrian entrance and address may be oriented to the designated side yard if both side yard setbacks are fifteen feet from property line to living area.
- F. The side yard used for a driveway shall not be less than ten feet in width.
- G. 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.
- H. A detached accessory structure, or garden shed, which requires a building permit per LMC 15.04, may not be built closer than six feet to the side or rear property line including property lines abutting alleys. Structures which do not require a building permit per LMC 15.04 to be setback a minimum of three feet to the side or rear property line. Accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- I. The maximum height of any detached garage, that is serving as the primary garage shall be eighteen feet, provided however that the setback

shall be a minimum of five feet from the rear and side property lines, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the accessory building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC 19.20.

- J. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.
- K. 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.
- L. On lots greater than ten thousand square feet in size, the height of a residential structure may be increased one foot for every two feet in increased setback distance beyond the minimum setback on both side yards and the front yard, to a maximum height increase of five feet, or total height of thirty-seven feet.
- M. 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.
- N. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.
- O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

19.16.080 - Residential design requirements.

All residential dwelling units must meet the following design criteria unless subject to the Pepin Creek Subarea Residential Design Standards as adopted by the City Council, or unless varied by the design review board as provided under Section 19.45.035:

- A. 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.
- B. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- C. 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.
- D. 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.
- E. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
- F. 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.
- G. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
- H. 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.
- I. 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.
- J. All parking requirements of Section 19.51.040 LMC must be met on site.

19.16.085 - Subdivision design guidelines.

All subdivisions must meet Chapter 18.14 of the Lynden Municipal Code, which provides minimum plat design requirements. In addition, subdivisions in the Pepin Creek Subarea must meet the the Pepin Creek Subarea Residential Design Standards as adopted by the City Council. For developments outside of the Pepin Creek Subarea the following are specific design recommendations intended to improve the aesthetic design of the subdivision as a whole. The items below are not meant to be exhaustive and developers are encouraged to incorporate other creative design elements within the project.

- A. It is recommended that lot sizes and lot frontage widths are included and intermixed in the design of the subdivision to provide more street interest and potential for varying house designs.
- B. Curvilinear streets with connectivity are encouraged to provide a varied approach to the housing units.
- C. Low impact design (LID) design techniques are encouraged.

19.16.090 - Fences.

See Chapter 19.63.

19.16.100 - Front yard use.

- A. 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.
- B. Front yards may be used for LID infiltration BMPs.
- C. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle, as defined at LMC 17.01.030.
- D. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to 19.31.020 B).

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

SECTION E. This ordinance shall be in full effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of _____, 2019.

Signed by the Mayor on this _____ day of _____, 2019.

MAYOR (Scott Korthuis)

ATTEST:

CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

CITY ATTORNEY (Robert Carmichael)