

CHAPTER 19.23
COMMERCIAL ZONING

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19.23.010 Zones Defined:

The following commercial zones are hereby established and defined:

1. **Historic Business District (HBD):** The Historic Business District is the zone where the City's economic activity originated. This zone is intended to be an active mix of professional offices and residences, personal services and small retail establishments serving the employees and residents of the area. Emphasis on the City's cultural history is anchored by the Pioneer Museum and the Windmill Hotel. Storefronts and streetscapes shall encourage pedestrian activity.
2. **Local Commercial Services (CSL):** The purpose of the CSL zone is to provide a location for local scale retail development (stores less than 65,000 square feet), medical, professional and financial services. Development within this zone should focus on pedestrian connectivity to the surrounding area and mixed use development is strongly encouraged. This zone, together with the Historic Business District, provides the primary location for civic and social activities within the community.
3. **Regional Commercial Services (CSR):** The purpose of the CSR zone is to support the development of large format retail and regional commercial development. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area.

19.23.020 Permitted Uses:

The following table shows the uses permitted in each of the zoning areas. Any use that is not listed below is not a permitted use unless it is determined to be comparable to a permitted use by the Planning Director based on the applicant's statement of use. The applicant shall bear the burden of proof to show how the use is comparable to a listed use.

In the table below, uses are notated as follows: P = Permitted Use, PA = Permitted as an accessory use, PS = Permitted as part of a shopping center/mall and may not exceed twenty percent of the gross floor area; N = Not permitted; C = permitted as a conditional use.

Land Use	HBD	CSL	CSR
Retail stores greater than 65,000 square feet	N	N	P(1)
General retail not otherwise defined	P	P	P
Retail Shopping Center or Mall	P	P	P
Home Furnishings Stores	P	P	P
Home Improvement and Hardware Stores	P	P	P
Grocery store	P	P	P
Construction material Sales	N	C	P
Banks and Financial Institutions	P	P	P
Professional and Business Offices	P	P	PS
Medical and Dental Clinics	P	P	PS
Pharmacy	P	P	PS
Hospitals	N	N	N
Non Retail Communications Services	P(5)	P	N
Barber Shops, Beauty Salons	P	P	P
Day Spas	P	P	P
Day Care Facilities	P	P	PA
Laundry and Dry Cleaning Facilities	P	P	PS
Theaters and Movie theaters	P	P	P
Commercial Recreation - Indoor (includes bowling alleys, skating rinks)	P	P	P
Video Arcades	P(3)	P(3)	P(3)
Athletic Facilities	P	P	P
Dance Halls and Dancing Schools	P	P	P
Martial Arts schools	P	P	P
Commercial sporting events	C(7)	N	P(7)
Restaurants and Cafes	P	P	P
Restaurant -- With Drive Thru	N	P	P
Photography Studio	P	P	PS
Business Schools	P	P	PS
Printing and Duplicating Shops	P	P	P
Clubs and Lodges	P	P	N
Undertaking Establishment	N	P	N
Liquor Sales	P	P	P
Carpet Sales	P	P	P
Retail Appliance and Electronic Equipment Sales	P	P	P
Wholesaling	N	N	N
Warehousing	P(6)	N	N

Land Use	HBD	CSL	CSR
Mini-Storage Facilities	P(6)	P	P
Retail Heating, Plumbing and Electrical Equipment sales	N	P	N
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	N	C	N
Retail Feed and Seed Stores	N	P	P
Pet and pet supply store	P	P	P
Hotels, Motels -- includes indoor restaurants, gift shops and other businesses associated with a hotel or motel	P	P	P
Bed and Breakfast	P	P	N
Churches, Church Education Buildings and Parsonages	N	P	N
Multi-family residences	P(5)	P(5)	N
Single Family Residences existing prior to 1992	N	P	N
Manufactured Home Parks	N	N	N
Skilled nursing and assisted living facilities	N	P	N
Animal Auction Barn	N	N	N
Auction facilities for other goods	N	P	P
Car Wash	N	P	P
Automotive Support Services such as auto repair, auto body painting and repair, window repair and replacement	N	C	P
Fueling Stations (may include convenience store)	N	P(2)	P(2)
Truck and Trailer Sales and Service	N	C	P
Motor and Recreational Vehicle Sales and Service	N	C	P
Farm Implement and Machinery Sales and service	N	C	P
Large Machinery Rentals (over 500 lb.)	N	C	P
Public Use Facilities	P	P	P
Utility facilities	C	C	P
Manufacture, Fabrication, Assembly, Woodworking and Metal Working Shops, where at least 50% of the GFA is related to on-site retail. All uses subject to the performance standards of Chapter 19.25 of LMC	N	C	P
Adult Entertainment Uses	N	C(4)	N
Body Piercing and Tattoo Studios	N	N	P

Land Use	HBD	CSL	CSR
On-Site hazardous waste treatment (no treatment allowed in HBD) and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in the zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.	PA	PA	PA
Liquefied petroleum Storage Station for more than 1,000 gallons, subject to International Fire Code standards	N	N	P

- (1) See Special Conditions for Large Format Retail Stores.
- (2) See Special Conditions for Automobile Service Stations
- (3) Any arcade with 10 or more machines shall have an adult supervisor on the premises during all hours of operation and shall not be located within 300 feet of a school, church or residence
- (4) These uses may not be located within three hundred from Front Street, or two hundred feet from a residentially zoned area, or within two hundred feet from the Fairgrounds, or 500 feet from a church or school.
- (5) This use is permitted as part of a mixed use development, where at least 60% of the ground floor area is a permitted commercial use
- (6) The use is permitted under the following conditions. These conditions may be varied through the receipt of a conditional use permit.
 1. The use must take place in an existing building. The building may be modified for warehousing or mini-storage purposes, but construction of a new facility will require a conditional use permit. New construction must meet all Dutch/European design requirements for the CSL zone.
 2. Primary access to these facilities may not be from Front Street or Grover Street, nor may a new facility front on either of these streets, and existing pedestrian access to Front Street, Grover Street, Riverview Road or 7th Street may not be closed.
 3. Off-street loading and truck parking facilities must be available at the site and may not abut Front Street or Grover Street without a landscape buffer as required in 19.61.090(A). All off-street parking requirements must be met on site.
 4. The site must meet the requirements of the Engineering Design and Development Standards and the Uniform Building Code and Uniform Fire Code.
- (7) Commercial sporting events are permitted in the CSR zone under the following conditions:

1. The promoter/proprietor of the event must provide proof of insurance in an amount and form approved by the Finance Director.
2. Off-street parking is provided and monitored to ensure emergency access at all times;
3. Police and Fire Departments are notified at least thirty days in advance of the event to ensure adequate personnel coverage. Costs of scheduling additional personnel may be billed to the applicant.
4. No alcohol may be sold, distributed or consumed on site.
5. Mixed Martial Arts, Boxing, Wrestling or other “fight-type” events must be sanctioned by the professional association and meet the requirements of RCW 67.08.

19.23.030 Accessory Permitted Uses

Accessory uses permitted in the HBD and CS zones shall include such functions as repair and service relating to the essential uses, and are as follows:

- A. Operation of motors and other equipment relating to the function of the essential use;
- B. Food preparation and other material or service preparation relating to the primary use, but not conducted.
- C. Business and advertising signs, providing such signs conform to the sign regulations of this ordinance.

19.23.040 Secondary Permitted Uses.

The permitted secondary uses in the HBD and CS zones, when permitted outright or after receiving a conditional use permit, are as follows:

- A. The servicing of new passenger cars, trucks, recreation vehicles and farm implementing machinery as a condition to the operation of a sales function only;
- B. The storage of delivery trucks relating to the use of the retail and commercial property;
- C. The storage of materials or commodities to be used and/or sold in the conduct of the retail business functions.

19.23.050 Setbacks, access and queuing requirements.

- A. Setbacks are established to ensure adequate circulation and access for emergency services. The setback requirements for the HBD and CS zones shall be as follows:

	HBD	CSL	CSR
Rear Setback	20 ft. (1)	10 ft	25 ft
Front Setback (2)	0 ft.	10 ft	20 ft
Side Setback (3)	0 / 10 ft.	0 / 10 ft.	0 / 10 ft.
Maximum Building Height	48 ft.	48 ft.	48 ft.

- (1) Maybe located closer if parking is available underground with access to Judson Alley.

- (2) When adjacent to Badger Road, front setback shall be one hundred feet from Highway Center line. When adjacent to the Guide Meridian Highway the front setback shall be one hundred feet from the center of the highway on the east side and one hundred and ten feet from the center of the highway on the west side. Once the required right-of-way for planned improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.
 - (3) Where construction types and the International Building Code allow, the side yard setback in any commercial zone may be zero; provide, however, that the setback between a building and a right-of-way will not be less than ten feet.
- B. All development located on state highways must comply with the access requirements of the Washington State Department of Transportation in addition to the City of Lynden Manual for Engineering Design and Development Standards.
- C. All businesses with a drive-thru window must have a minimum queue length of sixty feet. This is a cumulative total, but does not include the vehicle at the drive-thru window. Businesses generating more than 25 P.M. peak hour trips must include queuing in the required traffic analysis checklist.

19.23.060 Design Review Approval Required.

The City of Lynden has a distinct aesthetic character based on the Dutch and European background of the founders of the community. To preserve this character and the community's unique identity, all new construction and commercial remodels within the all commercial zoning districts shall be subject to review and approval by the Design Review Board.

19.23.070 Projections into public right-of-way

Decorative additions to the fronts of buildings currently existing within the Historic Business District and CSL zone are allowed to extend into the public right of way a maximum of four inches with the following limitations:

- A. Additions may be made on the side of the building facing the street only, no overhang may occur in the alleys.
- B. Materials must be non-combustible, except for limited wood trim which may be approved by the Building Official, subject to building codes.
- C. Signs, marquees or awnings may be allowed at a minimum height of eight feet as permitted under the International Building Code.

19.23.080 Special Development Conditions for all stores greater than 25,000 square feet GFA

- A. Reuse of vacant stores: If the facility is vacated, the owner or operator shall submit a plan to the Planning Department for the continued maintenance of the site which addresses how the owner or operator will avoid any nuisance violations and the removal or proposed reuse of the

facility. This plan must be submitted within twelve months of the vacancy; provided however, the time limit may be extended by the City Council upon showing of good cause.

- B. Restrictive Covenant Required: Lease agreements containing provisions which limit, preclude or restrict the marketing, leasing or renting of retail building space greater than 25,000 square feet to future lessees or future lessees operating a certain business, tend to prolong vacancy, are found to be detrimental to the public health, safety and welfare of the City, and shall not be permitted. The owner of any property for which a permit is granted authorizing an individual building or lease space greater than 25,000 square feet for retail store purposes shall execute a restrictive covenant against the property for the benefit of the City. Said restrictive covenant shall preclude entry into any agreement including but not limited to a marketing, lease, or rental agreement which contains a provision preventing, restricting or limiting the marketing, leasing, or renting of the building or property to future lessees. This restrictive covenant is required regardless of the time remaining on any marketing, lease or rental agreement and regardless of whether such future marketing, lease or rental agreement is a competing business with that of the owner, operator or landlord or of any past or prospective lessee. This restrictive covenant shall be approved by the City Attorney and must be recorded at the time of permit approval.

19.23.090 Special Development Conditions for retail stores greater than 50,000 square feet GFA

- A. The costs of all studies and investigations reasonably necessary to grant approval of a building permit shall be borne by the applicant. If it becomes necessary for the City to hire outside professionals to review reports or studies, the cost of hiring the consultant(s) shall be borne by the applicant.
- B. All buildings are encouraged to achieve LEED certification. A copy of the LEED Checklist should be submitted at the time of permit application to demonstrate how the project will encourage energy efficiency and environmental responsiveness.
- C. Parking:
1. Minimum parking area 4.5 stalls per 1,000 square feet GFA
 2. Maximum parking area 6.0 stalls per 1,000 square feet GFA
- D. **Design Guidelines: All large format retail buildings must meet the following site and building design guidelines as part of compliance with the City's Design Review requirements.**

Section I – Aesthetic Character

Intent: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities that reflect the character of the community.

1. Facades and Exterior Walls

Intent: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large, retail buildings and provide visual interest that will be consistent with the community's identity, character and scale.

- A. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade. The cumulative length or the recess or projection must be a minimum of 20 percent of the length of the façade, but should not be more than 60 percent of the façade length.
- B. Ground floor facades that face public streets shall have arcades, entry areas, awnings or other such features along no less than 60 percent of their horizontal length. Display windows are encouraged as a design feature at entrances (see Section II.C.3).
- C. The use of porticos and other features to reduce the height of the front of the building to a pedestrian scale is encouraged.

2. Detail Features

Intent: Buildings should have architectural features and patterns that provide visual interest, at the scale of pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standards should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint. Additional guidelines may be found in the City of Lynden Design Review Guidelines.

- A. Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically. Elements include: color change, texture change, material module change, and expression of architectural or structural bay through a change in plan no less than 12 inches in width, such as an offset, reveal, or projecting rib.
- B. Building materials may not include flat CMU blocks in a standard concrete grey.
- C. The use of a combination of architectural elements common to a traditional Dutch or Northern European style is required. These elements may include but are not limited to the following:
 - i. Roof line with a steep pitch and gables or a façade replicating that appearance.

- ii. Decorative gable ends, stepped with ornamental detail.
- iii. Narrow and vertical emphasis on fenestration. Windows are often highlighted in a contrasting color and are multi-paned.
- iv. Quoins, corbels and corbelling
- v. Cornice detail
- vi. Use of brick masonry materials.
- vii. Use of color to highlight ornamentation.

3. Roofs

Intent: Variations in roof lines should be used to add interest and to reduce the massive scale of the building.

- A. Rooflines should be varied with a change in height every 100 linear feet in building length. Parapets, mansard roofs, gable roofs, hip roofs or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- B. The average height of parapets or other roof treatments shall not exceed 15 percent of the height of the supporting wall and such parapets may not exceed one third of the height of the supporting wall at any time. Parapets shall feature three dimensional cornice treatments. Parapets and facades of varying heights and widths to approximate the appearance of several smaller buildings or storefronts are encouraged.

4. Materials and colors

Intent: Exterior building materials and colors comprise a significant part of the visual impact of a building and should be reflective of the community's character, and surrounding neighborhood.

- A. Predominant exterior building materials shall be high quality materials that are easily maintainable, and graffiti resistant. Material suggestions include without limitation; brick, wood or fiber cement siding, and tinted and textured concrete masonry units. It is strongly recommended that a combination of colors and materials are used to meet the Dutch/Northern European design emphasis.
- B. The use of metallic colors, black or fluorescent colors as a building's primary color is prohibited.
- C. Predominant exterior materials shall not include the following items, unless they are manufactured to meet the other design criteria: smooth faced concrete blocks, smooth faced tilt-up concrete panels, and pre-fabricated steel panels.

5. Entryways

Intent: Entryway design elements and variations should give orientation and character to a building as well as enhance the pedestrian scale.

- A. Each building on a site shall have clearly defined, highly visible entrances featuring no less than three of the following design elements:
 - i. Arcades, plazas or porticos
 - ii. Raised parapets over the door
 - iii. Arches
 - iv. Display windows
 - v. Outdoor patios
 - vi. Peaked roof forms
 - vii. Recesses or projections
- B. Where additional stores will be located in the principal building, each store shall have at least one exterior customer entrance that conforms to the above requirements.
- C. Entry ways and their adjoining sidewalk, may not exit directly onto a travel lane or parking aisle. Pedestrian traffic should be directed to pedestrian walkways (refer to II. C. 1.).

6. Back and Side Facades

Intent: All facades of a building which are visible from adjoining properties and/or public streets should be attractive and include elements from the preceding sections.

- A. The side and rear of a building visible from any public street or adjoining property must incorporate at least one design element from Sections A and B above.

Section II – Site Design

1. Entrances

Intent: Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access and provide convenience. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. It is desirable for large retail buildings to feature multiple entrances.

- A. All entrances shall be architecturally prominent and clearly visible from the abutting public street. The City encourages builders to locate public entrances on all sides that include public parking located on at least two sides of the building.

2. Parking Lot Orientation

Intent: Parking lots should not overpower the visual impact of any site. They should provide safe, convenient and efficient access for vehicles and pedestrians. Bus stops and drop-off/pick-up locations should be considered as integral parts of the configuration.

- A. Large parking lots should be visibly and functionally segmented into several smaller lots with the use of landscaping, and pedestrian walkways.
- B. At least one pedestrian walkway shall be provided within the parking lot from each abutting street to the pedestrian walkway abutting the building.
- C. Parking lot landscaping shall meet or exceed the requirements of Section 19.61.100 of the Lynden Municipal Code.
- D. Cart corrals should be located throughout the parking areas in convenient and sufficient numbers and should be easily accessible.
- E. All lighting in the parking lot shall be directed downward to minimize glare on neighboring properties.
- F. Inclusion of bicycle parking is strongly encouraged.

3. Pedestrian Flows

Intent: Pedestrian accessibility opens auto-oriented developments to the neighborhood, reducing traffic impacts and enabling the development to project a friendlier more inviting image. Pedestrian walkways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls and other architectural elements that define circulation ways and outdoor spaces.

- A. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the customer entrance of all buildings on the site. Pedestrian walkways that traverse the parking lot may be five feet in width. Walkways shall connect pedestrian activity such as, but not limited to transit stops, street crossings, buildings and store entry points, and central features and community spaces. Walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- B. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Pedestrian walkways must also be protected from the driving lanes by curb stops,

bollards, or other features that restrict vehicular access, while continuing to provide access for shopping carts.

- C. No parking stall shall be located further than 130 feet from an internal pedestrian walkway.
- D. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
- E. Internal pedestrian walkways provided in conformance with the section above, shall provide weather protection features such as awnings or arcades within thirty feet of all customer entrances. The extent of the covered area should be proportionate to the height of the building (i.e. the taller the building, the wider the covered pedestrian area).
- F. In no instance shall outdoor displays of merchandise or shopping cart storage impede the pedestrian movement at the entrance of the store.

4. Outdoor Storage, Trash Collection and Loading Areas

Intent: Loading areas and outdoor storage areas exert visual and noise impact on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem.

- A. Areas for permanent outdoor storage, trash collection or compaction, loading, or other such uses shall be screened from the public or private rights-of-way.
- B. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within 20 feet of any public street or sidewalk or internal pedestrian walkway.
- C. Loading docks, truck parking, outdoor storage, HVAC equipment, trash dumpsters and compactors, and other service functions shall be incorporated into the overall design of the building and the site so that the visual and acoustic impacts of the functions are fully contained and out of view from adjacent properties and public streets. Public access to these areas should be restricted.

- D. Use of portable, metal storage containers or truck trailers as a permanent storage solution is not permitted. Temporary use, less than three months per calendar year, of these storage methods is permitted.
- E. Non-enclosed areas for the sale of seasonal inventory shall be clearly defined and may not infringe on any required parking or pedestrian walkway. Materials, colors and design of any screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

5. Signage

Intent: Signage should enhance the character of the building and should help the public find their way to where they need to go. Signage should be attractive, well-lit and consistent with the design of the building and surrounding neighborhood.

- A. Building signage should be proportionate to the size of the wall.
- B. Exposed neon tubing is not permitted.

19.23.100 Special Conditions for Automobile Service Stations.

The purpose of this section is to promote the health, safety and general welfare in the city by establishing standards for the site design and the operation of gasoline service stations. The need for such standards is created by the high volume of traffic and the frequency with which vehicles enter and leave the sites. By establishing these standards, it is intended that the smooth flow of traffic will be facilitated and greater safety will be provided for the residents of Lynden, automobile passengers, and pedestrians.

- A. Code Compliance: All gasoline service stations shall be in conformance and compliance with all federal, state and local statutes, laws and ordinances.
- B. Traffic Study: A traffic impact analysis will be required for any new fueling station and the expansion of existing fueling stations.
- C. Development Standards: Development standards and criteria of the zoning district/subzone shall apply unless otherwise noted in this section.
 - 1. Minimum lot size shall be fourteen thousand four hundred square feet.
 - 2. Ingress and egress must conform to the requirements of the City of Lynden Engineering Design and Development Manual.
 - 3. On-site lighting shall be located, directed, and/or shielded in a manner which reduces light glare or spill onto adjacent properties or rights-of-way.
 - 4. Separate public restrooms shall be provided for male and female and shall be barrier-free in conformance with WAC 51-20.
 - 5. A dumpster enclosure containing a dumpster shall be located strategically on the site in sufficient size and/or number to reduce off-site litter.

6. Trash receptacles shall be located strategically and in sufficient number to reduce off-site litter.
7. All portions of a gasoline service station site not utilized for landscaping or for other open space shall be paved. All perimeters shall be landscaped.
8. No gasoline service station shall be located less than three hundred feet from any park, playground, church, school or public place of assemble. No service station shall be located closer than six hundred feet from the nearest property line of another service station unless the station is an accessory to a planned development or shopping center.

E. Operational Standards:

1. No operation, service, or activity shall be permitted which would constitute a legal nuisance.
2. A formal litter control program, as approved by the city, shall be implemented.
3. Accessory truck, trailer and vehicle rental or sales shall be permitted where allowed by zoning.
4. A Policy manual for the management of hazardous material incidents is to be submitted to the city for review and approval prior to occupancy of the facility.