

CHAPTER 19.18

PEPIN CREEK SUBAREA ZONES

**19.18.010 - Purpose and intent.**

- A. Purpose. The purpose of the Pepin Creek Subarea is to meet the goals of the comprehensive plan by promoting residential development averaging approximately seven dwelling units per net acre and to allow a variety of housing types that will meet the needs of families throughout their lifecycle. Development in the Pepin Creek Subarea 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. Commercial uses are allowed where they serve the neighborhood.
- B. Established. The following zones and overlays are utilized within the Pepin Creek Subarea.

<b>Zone or Overlay</b>	<b>Uses</b>	<b>Development Standards</b>
RS-72	19.15	19.15
RMD	19.16	19.16
RM-PC	19.18.030	19.18.030
RM-3	19.17.020	19.17.060
Neighborhood Commercial Overlay	19.18.050	19.18.050
Public Use	19.27	19.27
Airport Overlay	19.55	19.55

C. Minimum Densities within the Pepin Creek Subarea:

- 1. Development must meet the minimum density for residential development according to the established zone category.

<b>Zone</b>	<b>Minimum Density*</b>
RS-72	4 DU / Acre
RMD	5 DU / Acre

RM-PC	6 DU / Acre
RM-3	8 DU / Acre

\*See Section 19.11.030 regarding calculation of minimum and maximum densities.

2. Lots created in conformance with subsection C(1) above which are subsequently bound together with another lot in the Pepin Creek Subarea must continue to adhere to building setbacks as measured from property lines despite the lots being bound.
- D. Conflicts. If there are any conflicts between the provisions of this chapter and any other parts of the Lynden Municipal Code, this chapter shall prevail except for where standards necessary to maintain public safety related to the operation of the airport.

(Ord. No. 1575, § A, 3-4-2019)

**19.18.020 - Primary permitted uses within the Pepin Creek Subarea.**

The primary permitted uses in the Pepin Creek Subarea are as follows. See Figure 19.18.010-1 to reference the location of applicable secondary, accessory, and conditional uses as well as development standards specific to each zoning category.

- 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, small lot single family and cottages.
- B. Single family attached dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex dwelling units.
- D. Multi-family dwelling units typically limited to a maximum of four to eight units per building.
- E. The neighborhood commercial overlay provides an opportunity for a variety of primary permitted uses in key locations. These include personal services, sales of consumer goods, restaurants and cafes, banks and financial institutions, and upper story residential uses as further described in LMC 19.18.050.

(Ord. No. 1575, § A, 3-4-2019)

**19.18.030 - Pepin Creek multi-family zone (RM-PC) and uses established.**

- A. Primary Permitted Uses.
  1. Multi-family dwelling units and two-family dwelling units are permitted with the following restrictions:
    - a. Buildings containing two to four units are permitted consistent with Section 19.18.030.F and applicable design standards.

- b. Buildings containing five to eight units are permitted at a ratio of one for every twenty-five lots created. Lot count may include those used for multi-family dwelling units, attached single family dwellings, or detached single family dwelling. Development must be consistent with Section 19.18.030.E and applicable design standards.
  2. Single family attached dwelling units which are ground-related, fee simple -ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types. A maximum of four units may be attached to one another.
  3. Single family dwelling units, including detached site-built single family dwellings and new manufactured homes.
- B. Accessory Permitted Uses. Accessory permitted uses in the RM-PC zone is as follows:
1. Private garages for single family or single family attached residences. 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 more restrictive;
  2. Single family 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 and meet the requirements of Section 19.31.020.B;
  3. Tool sheds, satellite dishes, outdoor patios and outdoor fireplaces consistent with applicable design standards;
  4. 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;
  5. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 LMC and subject to LMC 19.37.090;
  6. Attached and detached accessory dwelling unit (ADU) consistent with Chapter 19.20 permitted in detached single family homes only.
  7. No more than five, currently licensed and/or operable passenger vehicles may be stored on any single-family residential lot, subject to LMC 19.31.020.A. Inoperable vehicles may not be stored in the front yard.
  8. Recreation areas for residents.
- C. Secondary Permitted Uses. Secondary permitted uses in the Pepin Creek Subarea zones are as follows:
1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
  2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the neighborhood commercial overlay;

3. Home occupations. See Chapter 19.57;
  4. Gardening and fruit growing not for commercial sale;
  5. 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 Chapter 19.39 of this Code;
  6. Family day care centers for up to eight individuals, not including the residents of the dwelling unit;
  7. Parks and playgrounds;
  8. Adult family homes and residential care facilities for up to eight adults, when approved by the Washington State Department of Social and Health Services (DSHS).
  9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the commercial neighborhood overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within seventy-two hours of the sale or event.
- D. Conditional Permitted Uses. The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with Section 19.49.050.
1. Public buildings and utility sub-stations;
  2. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas;
  3. Day care facilities for more than eight individuals with the maximum number of individuals to be determined as part of the conditional use permit process;
  4. Nursing home and assisted living facilities as defined in RCW 74.39A.009 when located in the RS-72, RMD, or RM-PC zones;
  5. Bed and breakfast establishments (see Section 19.49.030);
  6. Churches, provided that the front yard is landscaped and all other parking and landscaping requirements are met; and
  7. Schools.
- E. Front Yard Use for Residential Uses.
1. 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.
  2. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle.
  3. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to Section 19.31.020.B)

F. RM-PC Development Standards. The development standards for the RM-PC zone are as follows:

1. RM-PC Height, Density, Area, Coverage, and Bulk Requirements.

<b>Zone</b>	<b>Minimum Lot Size</b>	<b>Maximum Density</b>	<b>Minimum Density*</b>	<b>Maximum Lot Coverage</b>	<b>Maximum Height</b>	<b>Maximum Stories</b>
RM-PC Single Family Detached	4000 sf	12 DU/AC	6 DU / AC	35%	32'	2
RM-PC Single Family Attached	3000 sf	12 DU/AC	6 DU / AC	50%	40'	3
RM-PC Multi-family dwelling	1600 sf per unit	12 DU/AC	6 DU / AC	40%	40'	3

\*See Section 19.11.030 regarding calculation of minimum and maximum densities.

G. RM-PC Setback Requirements.

**Setbacks**

	<b>RM-PC Detached</b>	<b>RM-PC Attached</b>	<b>RM-PC Multi Dwelling</b>
<b>Front Setback</b>			
ROW to Porch	8'	8'	15'
ROW to House	10'	10'	20'
ROW to Garage	25'	25'	25'
Green to Porch	4'	4'	10'
Green to House	6'	6'	10'
<b>Side Setback*</b>			
Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'

Side Total	14'	20'	20'
Corner Lot	10'	10'	14'
<b>Rear Setback*</b>			
Alley Easement to Garage Side	3'	3'	3'
Garage Side to Property Line	5'	5'	5'
Alley to Garage Door	21'	21'	25'
Alley to House	15'	10'	20'
To House	15'	10'	15'

+ 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 ten feet.

1. Additional RM-PC Development Standards:

- a. 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.
- b. 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 this section. Additional fire protection may be required for structures located within ten 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 Section 19.35.030.
- c. 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.
- d. Structures covering decks or patios are permitted within the rear setback provided that the structure remains open on three sides, does not come within ten feet of the rear property line for detached homes on lots zoned RM-PC, does not encroach into the side yard setbacks of the underlying zone, and the addition does not exceed the permitted lot coverage.

#### H. Standards for Detached Accessory Buildings.

1. 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.
2. A detached accessory structure may not be built closer than six feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than three feet to the rear property line. Structures which do not require a building permit per Chapter 15.04 must be setback a minimum of three feet to the side or rear property line.
3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
4. The maximum height for all detached accessory structures shall be twelve feet, except for detached garages as noted below.
5. The maximum height of any detached garage shall be eighteen feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for accessory dwelling units in Chapter 19.20 LMC. The roof pitch and siding on any detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.
6. A secondary garage or shop shall be set behind the rear line of house.

#### I. Transition Area Standards.

1. A transition area of one hundred feet is applied to the RM-PC zone where the RM-PC zone abuts RS zoning located inside and outside of the Pepin Creek Subarea.
2. A ten foot wide Type IV landscape buffer and six foot privacy fencing are required on RM-PC properties where abutting RS zones. Alternatively, a buffer is not required if lots are limited to a primary use as a detached single family home or pairs of attached single family homes.
3. Lots developed in the transition zone shall be limited to the maximum height of the abutting RS zone.

#### J. Open Space Requirements.

1. Each lot must maintain a minimum of seven and one-half percent in open space.
2. RM-PC developments which meet or exceed six units to the acre in net density must also provide common open space equal to ten percent of the developable parcel size. Common open space may be designed as a pocket park, common green, or access easement. Perpetual maintenance of the common open space must be addressed at the time of plat or development if a plat is not required.
3. Common open space must meet the following requirements:
  - a. One two inch caliper canopy tree is required for every one thousand square feet.
  - b. Spaces must be accessible to residents and suitable for passive or active recreational use. Play structures or pet friendly areas are encouraged.
  - c. Sidewalks or paths accessing the area must be a minimum of four feet wide.

d. The minimum lawn coverage of a common green area shall be seventy percent.

K. Residential Design Requirements. All residential dwelling units must meet the following design criteria unless varied by the design review board as provided under LMC 19.45.035:

1. 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.
2. All dwellings shall be oriented on the lot so that the primary pedestrian entrance faces the street or access easement. 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.
3. 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.
4. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
5. 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.
6. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
7. 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.
8. 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.
9. All parking requirements of Section 19.51.040 must be met on site.

L. RM-PC Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 LMC, all proposed multi-family and attached single family development consisting of two or more attached units in this zone shall comply with LMC 19.17.110.

(Ord. No. 1575, § A, 3-4-2019)

#### **19.18.050 - Pepin Creek Neighborhood Commercial Overlay and Uses Described.**

A. The neighborhood commercial overlay provides opportunities for a variety of primary permitted uses in key locations. Commercial uses may be established under the following conditions:

1. Uses are subject to the development and setback standards for the underlying zoning.
2. Parking standards per Chapter 19.51 LMC must be met; however, up to fifty percent of the required surface parking may be shared between commercial and residential uses which occupy the same structure if commercial uses are not considered nighttime uses per LMC 19.51.090.
3. Commercial structures are subject to applicable design standards and the approval of the design review board.



- B. The neighborhood commercial overlay provides opportunities for a variety of primary permitted uses in key locations. These include:
1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, child or adult daycare, or others that would serve the subarea.
  2. Sales of General Consumer Goods. This is to allow for retail sales of food, household goods, pet supplies, and other goods to residents in the subarea. The sales of goods geared toward a regional customer base, as determined by the planning director, are not allowed. Such regional uses include fuel sales, auto sales, large format stores, construction and landscaping materials, and farm equipment. Outdoor storage associated with the sales of general consumer goods is also not allowed.
  3. Restaurants and Cafes. Single lane drive-thrus which are screened and oriented away from the street are permitted.
  4. Professional offices, banks and financial institutions.
  5. Second and upper story residential uses may be developed in conjunction with first floor commercial uses.

(Ord. No. 1575, § A, 3-4-2019)