CHAPTER 17.01
INTRODUCTION

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17.01.010 INTENT

The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the City of Lynden in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made within 120 days of the date of the Letter of Completeness except as provided in Section 17.09.090.

17.01.020 RULES OF INTERPRETATION

A. For the purposes of the Development Code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

B. Words used in the present tense include the future.

C. The plural includes the singular and vice-versa.

D. The words "will" and "shall" are mandatory.

E. The word "may" indicates that discretion is allowed.

F. The word "used" includes designed, intended, or arranged to be used.

G. The masculine gender includes the feminine and vice-versa.

H. Distances shall be measured horizontally unless otherwise specified.

I. The word "building" includes a portion of a building or a portion of the lot on which it stands.

17.01.030 DEFINITIONS
The following definitions shall apply to Titles 16 through 19; other definitions may be found in individual titles. The definitions set forth in this chapter shall apply to the terms used in this title. Those terms not defined in this chapter, shall be as defined in the 1991 Uniform Zoning Code.

**Accessory Building or Accessory Structure.**
An "Accessory building" or "accessory structure" is an incidental subordinate building customarily incidental to and located on the same lot or parcel occupied by the main use or structure. This shall specifically include dishes for receiving satellite television and/or radio signals. The building or structure may not exceed one thousand square feet.

**Accessory Use.**
"Accessory use" means a subordinate use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.

**Adult Bookstore.**
"Adult bookstore" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

**Adult family home.**
"Adult family home" means a regular family abode of a person providing personal care, room and board to more than one, but not more than four adults, not related by blood or marriage to the person or persons providing the care. A maximum of six adults may be permitted if the Department of Social and Health Services determines that the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in chapters 70.128 RCW and 388-76 WAC.

**Adult Motion Picture Theater.**
"Adult motion picture theater" means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**Adult Stock in Trade.**
Adult books, pictures or other printed materials, products or equipment, pre-recorded video tapes, discs, or similar material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where such material is generally available for rental, purchase, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.
Alley.
"Alley" means a strip of land dedicated to public use, providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public street and which may also include provisions for public utilities and drainage.

Alteration.
"Alteration" means any change, addition or modification in construction, occupancy or use.

Amusement Center.
"Amusement center" means an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games, and similar recreational diversions within an enclosed building.

Antenna.
A wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building.

Applicant.
A person seeking development approval from the City.

Assisted Living Facility.
"Assisted living" means an establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental disability, but who do not need the full-time skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier free design, with separate bathroom facilities. These facilities may also include a some medical services, a communal dining room, recreation area facilities, and laundry facilities. For the purpose of this code, each suite shall be considered a dwelling unit, with or without cooking facilities.

Auto Body Shop.
"Auto body shop" means an enclosed establishment where repairs or maintenance are made to the paint, body and fenders of motor vehicles, trailers, and similar large mechanical equipment.

Automotive Repair.
"Major automotive repairs" means either such repairs or maintenance to motor vehicle or motor vehicles, trailers, and similar large mechanical equipment including major engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, or a completely enclosed establishment where such repairs are undertaken.

Automotive Service Station.
"Automotive service station" means an establishment, whether open to the public, where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a car wash.

**Basement.**
"Basement" shall have the definition given in the Uniform Building Code.

**Bed and Breakfast.**
"Bed and Breakfast" is a dwelling unit with rooms to let as transient accommodations, conducted within a single dwelling unit. For the purpose of this section, a transient shall be defined as a person who stays for a period not to exceed two weeks. Accommodations may include limited food service for guests.

**Block.**
A group of continuous lots, tracts or parcels within well defined and fixed boundaries.

**Boardinghouse or Rooming House.**
"Boardinghouse" or "rooming house" means a structure used for the purpose of providing lodging or lodging and meals, for five or more persons other than those under the "family" definition. This term includes dormitories, cooperative housing and similar establishments but does not include hotels, motels, medical care facilities, bed and breakfast facilities, or multi-family units. These facilities do not have cooking facilities in the sleeping rooms.

**Body Painting Studio.**
"Body painting studio" means any premises or part thereof where, directly or indirectly, a fee is paid for any activity involving the application of paint, powder, or similar materials to the body of another person.

**Building.**
"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion of a structure is completely separated from every other portion thereof by a division wall and floor without openings, then each such portion shall be deemed to be a separate building.
Building, Apartment.
"Apartment building" means a structure composed of three or more dwelling units, one attached to the other, and each designed as a one-family dwelling unit.

Building, Main.
"Main building" means any building occupied by the essential use of the zone in which the building is located.

Building, Public.
"Public building" means a building constructed for public purpose, which shall include, but is not limited to, hospitals, school buildings, police and fire stations, libraries, city hall, community centers, school stadiums.

Building Height.
“Building Height” shall be as defined by the Uniform Building Code except as modified as follows: The vertical distance is measured from a reference datum to the highest elevation of the roof or coping and includes mechanical apparatus to be installed on the building. When the highest grade elevation is the reference datum, that grade must be maintained a minimum of 40% of the building perimeter and five foot minimum horizontal distance from the building, provided the highest grade is not more than eight feet above the lowest grade.

Business Visit.
An individual trip made for the purpose of conducting business or receiving instruction; or for performing services; or for delivering goods or stock in trade.

Carport.
"Carport" means an accessory building lacking exterior walls on two or more sides.

Car Wash.
"Car wash" means either a principal or accessory building equipped with mechanical equipment for washing automobiles.

City Administrator
The City Administrator of the City of Lynden or his designee.

City Council.
The City Council of the City of Lynden.

City.
The City of Lynden.

City Code.
Municipal Code of the City of Lynden.

Clear Vision Triangle.
"Clear Vision Triangle" means the area determined by measuring twenty five feet along both front and side property lines and diagonally connecting the ends of the two lines.

Closed Record Appeal.
An appeal to the City Council based on the existing record established at an open record hearing. In a closed record appeal, no new evidence or information shall be allowed to be submitted. Only a summary of information and issues in the existing record and appeal argument shall be allowed.

Club, Private.
"Private club" means a non-profit social organization whose premises are restricted to its members and their guests.

Comprehensive Plan.
The City of Lynden Comprehensive Plan, adopted by Resolution 545.

Comprehensive Plan Amendment.
An amendment or change to the text or maps of the Comprehensive Plan.

Conditional Use.
"Conditional Use" is a principal or accessory use which would become compatible with neighboring uses through the application and maintenance of qualifying conditions.

Condominium
"Condominium" means a unit in a multiple unit building(s) or structure(s), organized under the Horizontal Regimes Act of the State so as to permit the individual mortgage, sale or transfer of units, suites or apartments and retaining to the purchaser and owner rights in certain common areas and facilities.

Congregate Care Facility.
"Congregate care facility" means those residential development, primarily designed for the active elderly, which are designed with a central kitchen and dining facility in conjunction with attached residential units. Units may or may not include kitchen facilities, which for the purpose of this chapter are defined as an area containing a refrigerator, range, 220 volt electrical or gas oven and a sink which are permanent to the unit. Medical services are incidental to the primary use.

Congregate Residence
"Congregate residence" is any building or portion thereof which contains facilities for living sleeping and sanitation as required by this code and the Department of Social and Health Services, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging/rooming houses.

Convalescent or Nursing Home.
"Convalescent home" or "nursing home" is a facility which is publicly or privately operated and intended for long term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals. Paid services are to be administered only to the four or more resident occupants of the facility.

Council.
"Council" means the city council of the city.

County auditor.
"County auditor" shall be as defined in RCW Chapter 36.22.

County treasurer.
"County treasurer" shall be as defined in RCW Chapter 36.29.

Coverage.
"Coverage" means the percent of the land area of a lot or parcel covered by buildings or structures. This percentage is the land area of the lot covered by the buildings or structures (excluding eaves and other extensions of all building or structures) divided by the lot area of the zoning lot.

Critical Areas.
Areas of environmental sensitivity, which include the following areas and ecosystems: a) wetlands; b) fish and wildlife habitat conservation areas; c) frequently flooded areas; and d) geologically hazardous areas.

Cul-de-sac.
"Cul-de-sac" means a street closed at one end by a circular drive of sufficient size for turning automotive vehicles around.

Curb Grade.
"Curb grade" means the elevation of the top of the face of the curb, ad fixed by the city council.

Date of Decision.
The date on which final action occurs and from which the appeal period is calculated.

Day Care Facility.
"Day care facility" means a building, or portion thereof, for the keeping for part-time care and/or instruction, whether or not for compensation, of individuals. This establishment is a primary use, and residential uses are generally secondary to the primary use. Child nurseries and preschool facilities may be included in this definition.
**Day Care, Family.**
"Family day care" means the keeping for part-time care and/or instruction, whether or not for compensation, of individuals within a dwelling. This use is secondary to the primary use, which is generally a single family dwelling unit.

**Dedication.**
"Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by the adoption of an ordinance indicating approval of such plat for filing with the county auditor and the city engineer.

**Density.**
"Density" is the number of dwelling units which are allowed on a gross acre of land. This calculation is made by dividing the number of dwelling units by the gross acreage of the parcel.

**Developer.**
Any person who proposes a development, action, and/or seeks a permit regulated by Titles 16 through 19, LMC, inclusive.

**Development.**
Any activity or use requiring or involving a land use permit, approval, or action regulated by Titles 16 through 19, LMC, including but not limited to subdivisions, short subdivisions, binding site plans, planned unit developments, planned residential developments or planned commercial developments, conditional use permits, special use permits, variances, design review approvals, building permits, shoreline substantial development permits, site plan review, approvals required by the critical areas ordinance, or site-specific rezones, but excluding the adoption or amendment of the comprehensive plan, subarea plan, or development regulations.

**Development Code.**

**Development Permit.**
The permit required prior to commencement of work on any development.

**Director.**
Director of Planning or “Planning Director” for the City of Lynden.

**Development Permit Application.**
Any application for a proposed activity or use requiring or involving a land use permit, approval, or action regulated by Titles 16 through 19, LMC, including but not limited to subdivisions, short subdivisions, binding site plans, planned unit developments, planned
residential developments or planned commercial developments, conditional use permits, special use permits, variances, design review approvals, building permits, shoreline substantial development permits, approvals required by the critical areas ordinance, or site-specific rezones, but excluding proposals for the adoption or amendment of the comprehensive plan, subarea plan, or development regulations.

**Development Proposal**
Any proposed activity or use requiring or involving a land use permit, approval, or action regulated by Titles 16 through 19, LMC, including but not limited to subdivisions, short subdivisions, binding site plans, planned unit developments, planned residential developments or planned commercial developments, conditional use permits, special use permits, variances, design review approvals, building permits, shoreline substantial development permits, approvals required by the critical areas ordinance, or site-specific rezones, but excluding proposals for the adoption or amendment of the comprehensive plan, subarea plan, or development regulations.

**Development Regulation**
Any controls established by City ordinance or amendment to City ordinance placed on development or land use activities, including without limitation, zoning ordinances, official controls, ordinances on subdivision and short subdivision, planned unit development ordinances, planned residential or planned commercial development ordinances, binding site plan ordinances, ordinances authorizing conditional use permits, special use permits, or variances, shoreline ordinances including the shoreline master program, critical areas ordinances, flood plain management ordinances, design review ordinances, resource area ordinances, ordinances on development standards, and building code ordinances.

**Driving Surface.**
That portion of a street intended for vehicular travel or parking.

**Dusts.**
"Dusts" means minute solid particles small enough to pass through a 200 mesh screen (74 μ) released into the air by natural forces or by mechanical processes such as crushing, grinding, bagging, sweeping, etc.

**Dwelling Unit.**
"Dwelling unit" means a single unit providing complete, independent living facilities for not more than one family, or a congregate residence for six or less persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A mobile or manufactured home, apartment, condominium, townhouse, single family detached home or accessory dwelling unit is considered to be a dwelling unit.
Dwelling Unit, Multiple.
"Multiple dwelling unit" means a structure containing three or more dwelling units, each of which provides a complement of necessary facilities to accommodate one family.

Dwelling Unit, Two-Family or Duplex.
"Two-family dwelling unit" or "Duplex" means a structure accommodating two dwelling units, each of which is equipped with a complement of the facilities necessary for the living accommodations of one family.

Easement.
"Easement" is that portion of a lot or lots reserved for the present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

Effective Date.
The date a final decision becomes effective.

Escort Service.
"Escort service" means any business or agency which, for pecuniary compensation for any consideration, furnishes, or offers to furnish, escorts or persons who accompany others to, from, or about social affairs, entertainment, places of public assembly, or places of amusement, or who consort with others, for hire or reward, about any place of public resort or within any private quarters.

Family.
"Family" means an individual or two or more persons related by blood, marriage, or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit.

Fence.
“Fence” is a structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates and intended to prevent intrusion from without or straying from within. For the purposes of the Lynden Municipal Code, the definition of a fence is not intended to include wire structures enclosing less than one hundred twenty square feet intended for the keeping of animals, nor does it include wire enclosures for the purposes of sport fields.

Final Decision.
The final action by the Staff, City Board, or City Council.

Final Decision of the City.
The final decision of the City which is subject to review under Chapter 36.70C RCW (“Land Use Petition Act”).
Final Plat.
"Final plat" means the final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 271, Laws of 1969, RCW 58.16, and in this title, adopted pursuant thereto.

Floor Area, Gross.
"Gross floor area" is the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

Floor Area, Net.
"Net floor area" is the gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

Foster Home.
A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

Garage, Commercial.
"Commercial garage" means a building in which the primary function is the repair of motor vehicles. See "Automotive Repair."

Garage, Private.
"Private garage" is a building or portion of a building not more than 1000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building on the premises are stored or kept. A detached private garage is an accessory building.

Garage, Public.
"Public garage" means any building or portion thereof used for the care, repair, equipping or storage of motor vehicles.

Gasoline Service Station.
"Gasoline service station" means a building used primarily for the retail sale of fuels, lubricants and other operating commodities for motor vehicles.

Gross Leaseable Area.
"Gross leaseable area" is the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

Group Care Facility.
"Group care facility" is a residential facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol; this does not
include day-care centers, family day-care homes, foster homes, schools, hospitals, jails or prisons.

**Hazardous Materials.**
"Hazardous Materials" means those materials defined as such in the most recent Uniform Fire Code.

**Hazardous Waste.**
"Hazardous Waste" means all dangerous and extremely hazardous waste as defined in R.C.W. 70.105.010(15) or its successor, except for moderate risk waste as set forth in R.C.W. 70.105.010(17), or its successor.

**Hazardous Waste Storage.**
"Hazardous Waste Storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor.

**Hazardous Waste Treatment.**
"Hazardous Waste Treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor.

**Hazardous Waste Treatment and Storage Facilities, On Site.**
"Hazardous waste treatment and storage facilities, on site" means facilities that store and/or treat hazardous wastes generated upon the same property whereupon the storage and/or treatment of the waste occurs.

**Hazardous Waste Treatment and Storage Facilities, Off Site.**
"Hazardous waste treatment and storage facilities, off site" means facilities that store and/or treat hazardous wastes generated upon property other than the property whereupon the storage and/or treatment of the waste occurs.

**Hedge.**
"Hedge" means a row of closely planted shrubs or low growing trees forming a fence or a boundary line.

**Home Occupation.**
"Home occupation" is the partial use of a dwelling unit or accessory building for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.
Hospital.
"Hospital" is an institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. This definition may also include clinics, and any other place duly licensed and established for the diagnosis, treatment and care of human ailments.

Hotel or Motel.
"Hotel" or "Motel" means a structure or any part of a building which contains living and sleeping accommodations for the occupancy of six or more transient guests and has a common entrance or entrances, except a bed and breakfast.

Inoperable Motor Vehicle
“Inoperable motor vehicle” means any motor vehicle that is not currently registered and licensed with the State of Washington, or another appropriate governmental agency recognized by the state of Washington.

Irregular Lot.
A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

Junkyard.
"Junkyard" means the use of land, with or without structures, for the storage or keeping of junk, scrap metal or materials an/or for dismantling or demolishing vehicles, machinery or parts thereof.

Kennel.
A structure or lot on which four or more domestic animals at least four months of age are kept.

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Landscaping.
"Landscaping" is the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

Loading and Unloading Space.
"Loading and unloading space" means any space along the periphery of a commercial building, except the front, and on the same property with the main building, designed and intended for unloading or loading goods destined from or to the place of business.

Lot Area.
"Lot area" means the total horizontal area included within the lot lines of a zoning lot.
Lot, Corner.
"Corner lot" means a zoning lot which adjoins the point of intersection of two or more street lines, and in which the interior angle formed is one hundred thirty-five degrees or less.

Lot, Interior.
"Interior lot" means any zoning lot which is not a corner lot or a through lot.

Lot Line Adjustment
“Lot line adjustment” includes the adjustment of a legal lot line provided that it does not create a new lot; does not leave any building on the affected lot in violation of the zoning ordinance after the adjustment; and does not create a lot of substandard size nor a lot which would otherwise violate the zoning ordinance.

Lot Line, Front.
"Front lot line" means the street line of an interior lot or either street line of a corner or through lot, as may be selected by the applicant for a building permit.

Lot Line, Rear.
"Rear lot line" means the line opposite to the street line, which is parallel to, or within forty-five degrees of being parallel to the front lot line.

Lot Line, Side.
"Side lot line" means any lot line which is not a front lot line or a rear lot line.

Lot of Record.
"Lot of record" means any lot established by a duly approved and recorded plat in which the lot is located.

Lot, Through.
"Through lot" means any zoning lot which has two street lines which are parallel to, or within forty-five degrees of being parallel to each other, and which are not corner lots.

Lot Zoning.
"Zoning lot" means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and assigned to the particular use for which the building permit and occupancy permit are issued. The term shall include tracts or parcels.

Major repairs.
"Major repairs" means such repairs to motor vehicles as disassembling and assembling of the motor, differential and transmission, and grinding valves and body repair.

Manufactured Home.
"Manufactured home" is a transportable home in one or more section, which is built on a permanent frame or base and is designed for use with or without a permanent foundation when connected to the required utilities.

**Massage Parlor.**
"Massage parlor" means any premises or part thereof where massage, including the manipulating, touching or stimulating, by any means, of a person's body or part thereof, but not including medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the state governing such activities, is performed, offered or solicited.

**Minor Repairs.**
"Minor repairs" means such repairs to motor vehicles or motors as adjusting headlights, changing spark plugs and other repairs not including major repairs.

**Mitigation Contribution.**
A cash donation or other valuable consideration offered by the applicant in lieu of: 1) a required dedication of land for public park, recreation, open space, public facilities, or schools; or 2) road improvements needed to maintaining adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. Voluntary contributions may be accepted by the City.

**Modular Home.**
"Modular home" is a home built in a factory in modules that is then transported and set up on a parcel of land.

**Mobile Home.**
"Mobile home" is a vehicle or structure, other than a motor vehicle, greater than 320 square feet in gross floor area designed with attached axles and wheels, which may be used for permanent or semi-permanent housing or human occupancy, and which is designed to be drawn by a motor vehicle. The term shall also include any vehicle meeting the above description which is used for an office, a classroom, a laboratory, processing, manufacturing retails sales or other use.

**Mobile Home Awning.**
"Mobile home awning" means a stationary structure, permanent or de-mountable, used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituted for a wall.

**Mobile Home Park.**
"Mobile home park" means a plot or tract of land divided into lots, under the ownership or management of one person, firm or corporation for the purpose of locating two or more mobile homes to be used for human occupancy. Individual lots may be sold within the mobile home park, but the mobile home park must still have a mobile home manager.
Model Studio.  
"Model studio" means any premises or part thereof where, directly or indirectly, a fee is paid for the furnishing of persons as models who pose in the nude on the premises for the purpose of being sketched, painted, drawn, sculpted, photographed, or otherwise depicted, but does not include any studio which functions as an educational institution authorized under any legislation of the state governing educational institutions.

Motor Vehicle Sales
For the purposes of the Lynden Municipal Code, “Motor Vehicle Sales” means the sale or display for sale of more than five vehicles per year in a single location. Any person or property owner selling or allowing the display for sale of five or more motor vehicles will be required to obtain a dealer’s license under RCW 46.70.021.

Net Land Area
"Net Land Area" means the land available for building or open space minus development requirements such as road rights-of-way.

Non-Conforming Building.
"Non-conforming building" is a building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the district in which it is located.

Non-Conforming Lot.
A lawfully established lot which does not conform to the provisions of the Development Code.

Non-Conforming Use.
"Non-conforming use" is a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use and zoning regulations,

Nude Disco Parlor.
"Nude disco parlor" means any premises at which specified anatomical areas of employees of the operator of the business are exposed to the view of patrons of the business.

Nursery, Day.
"Day nursery" means a building operated for the primary purpose of care for pay of three or more children of ages less than that admitted to kindergarten.
Office.
A building or separately defined space within a building used for business. The use of an office does not include on-premises sales or manufacture of goods.

Off-Street Parking Space.
"Off-street parking space" means any space, not on a highway or street, where one passenger vehicle or truck not exceeding a three-fourth-ton truck may park, having a net minimum width of nine feet and length of twenty-one feet, and the gross area of which shall include area for service alleys, exits and accesses.

Open Record Hearing.
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings that creates the City’s record through testimony and submission of evidence and information. An open record hearing may be held prior to the City’s decision on a development permit application; or may be held on an appeal if no open record hearing has already been held on the development permit application. A hearing body conducting an open record hearing (e.g., Planning Commission) need not be the decision making body, but may make findings and forward a recommendation to the decision making body (e.g. City Council), all in accordance with City ordinance.

Open Space.
"Open space" means land areas not covered by buildings, parking structures, or accessory structures, except recreational structures. It includes land which is accessible and available to all occupants of dwelling areas for whose use the space is intended. It does not include private yards.

Parking Facility -- Retail.
"Retail parking facility" means land area or structure devoted to the temporary parking or storage of motor vehicles for which a fee may be charged, but where no service or repairs of any kind are furnished. Lots included for sale or rental of cars shall not be included in this definition.

Particulate Matter.
"Particulate matter" means material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric temperature and pressure.

Party of Record.
Any person who has testified at a hearing or has submitted a written statement related to a development proposal or action and who provides the City with a complete address. A petition or petitions signed by more than five (5) persons shall not qualify as a written statement of the signatories. Signing such a petition shall not by itself qualify a person as a party of record.
Performance Standards.
"Performance Standards" deal with the effects a use may have on the surrounding area. Measurable minimum standards are established for such effects as smoke, noise, toxic emissions, water pollutants, glare, vibration, shade, radioactivity, electrical disturbances, heat, odors, traffic generation, and others for each zoning district.

Permitted Use.
"Permitted use" means the specific purpose for which land and/or a building is designed, arranged and intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non conforming use.

Person.
Any person, firm, business, corporation, partnership of other associations or organization, marital community corporation, or government agency.

Personal Service.
Businesses engaged in providing care of the corporeal person or his apparel, not including health care.

Planned Action.
A significant development proposal as defined in RCW 43.21C.031 as amended, and set forth in LMC 17.05.080 B.

Planned Residential Development.
"Planned Residential Development" means a residential development guided by a master plan and developed as a coordinated unit to allow a greater flexibility and creativity in site design. This plan may include the provision for increased density and reduced setback requirements to provide open space for general use by the residents of the development and the public in general.

Planned Unit Development.
"Planned Unit Development" is a mixed use development guided by a master plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning Commission.
Planning commission" means the city planning commission as established by ordinance.

Plat.
"Plat' means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.
Plat, Final.
A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary approval and meets the requirements of the Whatcom County Auditor for recording.

Plat, Long.
Any plat including more than four lots.

Plat, Final Short.
A precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all the conditions of approval and meets the requirements of the Whatcom County Auditor for recording.

Plat, Preliminary.
A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of the streets, lots, blocks and other information needed to properly review the proposal.

Plat, Preliminary Short.
A neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

Plat, Short.
"Short plat" means a map or representation of a short subdivision of a parcel or tract of land into four or fewer lots.

Plot Plan.
"Plot plan" is a plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets and other such information as required by a building or development permit application.

Primary or Principal Use.
The predominant use of the land or building to which all other uses are secondary.

Private Parking.
Parking facilities for the non-commercial use of the occupant and guests of the occupant.

Private Parking Lot.
"Private parking lot" means private property designated for parking motor vehicles.

Private Swimming Pool.
"Private Swimming Pool" means a structure or container either above or below grade, located either in part or wholly outside of a permanently enclosed and roofed building, designed to hold water to a depth of greater than two feet when filled to capacity,
intended for immersion of human body, whether for swimming or wading or both, which is not open to the public, that is not publicly owned, or not otherwise regulated by the State of Washington, either by statute, or by rules or regulations of one of its administrative bodies.

**Project.**
A proposal for development.

**Public Facilities and Utilities.**
Land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in the RCW 36.701.030, as amended.

**Public Hearing.**
An open record hearing at which evidence is presented and testimony is taken.

**Public Improvement.**
Any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval.

**Recreational Facilities.**
Facilities for recreational use such as swimming pools, athletic clubs, tennis courts, ball fields, play fields, and the like.

**Recreational Vehicle.**
"Recreational vehicle" is a vehicular unit, other than a mobile home, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer or van.

**Recreation, Indoor.**
"Indoor recreation" is an establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale or rental of equipment related to the enclosed uses. This definition includes, but is not limited to, bowling, roller skating, billiards, pool, motion picture theaters, and related amusements.

**Recreation, Outdoor.**
"Outdoor recreation" is an area free of buildings, except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures, used primarily for recreational activities. Accessory uses may include the sale or rental of equipment related to the use.
Renovation.
"Renovation" is interior or exterior remodeling of a structure, other than an ordinary repair.

Residential Care Home.
"Residential care home" means any state or federally approved dwelling, other than a clinic, used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally disabled.

Rezone.
A change in classification from one zoning district to another.

Roadway Buffer/Cutting Preserve.
A greenbelt lying outside and adjacent to the right-of-way line of all collector and arterial roadways. Roadway Buffer/Cutting Preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan.

School, Specialty.
"Specialty school" means any public or privately operated school having specialty training and not offering a general curriculum.

Screen, Screening.
A continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area, not including drives or walkways.

Secondary Use, Building and/or Structure -- Defined.
"Secondary use, building, and/or structure" means one customarily related to the essential or permitted use, building and/or structure which may support the function of the essential use, but which is not requisite to its existence and efficient operation, and which may or may not have a direct relationship to the essential or permitted uses.

SEPA.
"SEPA" refers to the State Environmental Policy Act. This Act applies to actions by every governmental unit in the state including state agencies, counties, cities and special purpose districts.

Setback Lines.
A line which is parallel to a lot line or access easement located at the distance required by the setback.

Setback Area.
The lot area between the lot lines and the setback lines.
**Sign.**
"Sign" means any structure, or part thereof, or any device attached, painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. A "sign" includes any billboard, but does not include flags, pennants, insignias of nations, states or political units, or political, educational, charitable, philanthropic, civic, professional or religious organizations, or campaigns of a similar nature, movement, drive or event. Definition of specific types of signs are included in Chapter 19.33 of the LMC.

**Sign, Advertising.**
"Advertising sign" means a sign which directs attention to a business, commodity, service or entertainment, or other services, materials or subject matter conducted, sold or offered elsewhere than upon the same zoning lot with such sign.

**Sign Area.**
The area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of the rectangle.

**Sign, Attached.**
A sign permanently attached to or mounted on a building.

**Sign, Business.**
"Business sign" means a nonilluminated sign which directs attention to a business or profession conducted or related to products sold upon the same zoning lot on which, or in which, the sign is located. A "For Sale" sign, or "Sold" sign, or sign "To Let", "To Lease" or "To Rent" shall be deemed to be business sign.

**Sign Face.**
Any sign permanently attached to or mounted on a building.

**Sign, Free-Standing.**
Any sign not attached to a building.

**Sign, Illuminated.**
"Illuminated sign" means either a business sign or an advertising sign designed to give forth an artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection. A flashing sign, when in use, is an illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times.

**Sign, Off-site.**
A permanent sign not located on the same lot as the business or use it is intended to serve.
Sign, Permanent.  
Sign nailed, glued, screwed or similarly fastened to foundation systems capable of holding it in position under an imposed wind load of 25 pounds per square foot or the design requirements of Chapter 23 of the Building Code.

Sign, Temporary.  
A sign or advertising display intended to be displayed for a limited period of time or for a fixed event and not permanently affixed to a structure or the ground.

Single-Family Dwelling.  
A building containing only one dwelling unit.

Site Plan.  
A scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

Site Specific Rezone.  
A rezone only for a specifically identified lot or parcel or adjoining lots or parcels, usually initiated by the property owner or his or her agent.

Specified Anatomical Areas.  
"Specified anatomical areas" are human genitals, human pubic region, human buttock, and the human female breast below a point immediately above the top of the areola.

Specified Sexual Activities.  
"Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Story.  
"Story" shall have the definition given in the Uniform Building Code.

Street.  
"Street" means a public right-of-way which is intended to provide or which provides a roadway for vehicular circulation or principal means of access to abutting properties, and which may also include provision for public utilities, pedestrian walkways and drainage.

Street Line.  
"Street line" means the legal line of demarcation between a street and abutting land.

Street Lot Line.  
The lot line or lines along the edge of a street.
Street Setback.
The minimum distance required for buildings to be set back from the street lot line.

Structure.
"Structure" means anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

Subdivider.
"Subdivider means a person, firm or corporation that undertakes to create a subdivision.

Subdivision, Short.
"Short subdivision" means the division of land into four or less lots, tracts, parcels, sites or divisions for the purpose of sale or lease, and includes resubdivision of previously platted land, and properties divided for purposes of sale of townhouse units.

Subdivision.
"Subdivision" means the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease, and shall include all resubdivisions or previously platted land and properties divided for purposes of sale of townhouse units.

Subdivision Code.
Title 18, City of Lynden Municipal Code.

Temporary Building or Structure.
A building or structure not having or requiring permanent attachment to the ground to other structures which have no required attachment to the ground.

Threshold Determination.
The decision by the City’s responsible SEPA official made pursuant to Chapter 43.21 C RCW, Chapter 197-11 WAC and Chapter 16.05 of the City Code on whether or not an Environmental Impact Statement (“EIS”) is required for a proposal or action that is not categorically exempt.

Townhouse.
"Townhouse" means a building containing a single dwelling unit that occupies space from the ground to the roof and attached to one or more other townhouse dwellings by common walls which may be located on side lot lines.

Tract or Parcel.
A portion of a subdivision having fixed boundaries, not including lots.

Transient
"Transient" means a person who stays in an accommodation for a period not to exceed two weeks.

Use.
The purpose which lands or structures now serve or for which it is currently occupied, maintained, arranged, designed or intended.
Utilities.
"Utilities" means and includes water, sewers, drainage and gas lines, and overhead and underground electric, telephone and cable TV facilities.

Variance.
A permissible modification of the application of Title 19, LMC, to a particular property, subject to approval of the Board of Adjustments.

Vehicle.
"Vehicle" means all instrumentalities capable of movement, by means of circular wheels, skids or runners of any kind, along roadways or paths or other ways of any kind, specifically including, but not limited to, all forms of automotive vehicles, boats, buses, trucks, cars and vans, all forms of trailers or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

Wetlands.
"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands.

Yard, Front.
"Front yard" means an open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the nearest part of the front of a main building.
Yard, Interior Side.
"Interior side yard" means any side yard not on the street side of a corner lot. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

Yard, Rear.
"Rear yard" means an open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the rear lot line and the nearest portion of the main building. The required width of the rear yards shall be measured horizontally form the nearest point of the rear lot line to the to the nearest part of the main building.