

ORDINANCE NO. 1443

**AN ORDINANCE OF THE CITY OF LYNDEN
AMENDING CHAPTER 19.29 OF THE LYNDEN MUNICIPAL CODE
REGARDING PLANNED RESIDENTIAL DEVELOPMENT OVERLAY**

WHEREAS, the City of Lynden has adopted zoning regulations to protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time to reflect the needs and desires of the community; and

WHEREAS, the City of Lynden wishes to encourage a varied and diverse mix of housing within the community to meet all the socioeconomic needs of the residents; and

WHEREAS, the East Lynden Sub-Area of the Lynden Comprehensive Plan encourages planned residential developments as a method to achieve the variety of housing types and the density planned for the future; and

WHEREAS, Section 19.29.020 of the Lynden Municipal Code does not allow the approval of planned residential developments within the RM-3 zone, and there are more than 45 acres of land with this zoning designation within the East Lynden Sub-Area; and

WHEREAS, The Lynden Planning Commission held a public hearing on March 14, 2013, on the proposed amendments to Chapter 19.29 of the zoning regulations and recommended approval of the amendments; and

WHEREAS, The Lynden City Council held a public hearing on April 15, 2013, on the proposed amendments to Chapter 19.29 of the zoning regulations; and

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

SECTION A. Chapter 19.29.020 of the Lynden Municipal Code is amended to read as follows (amendment included in **bold text**)

19.29.020 Scope

The provisions of this chapter shall apply to all single family residential zones, the RMD (Residential Mixed Density) zone and the RM-1 and RM-2 (Residential Multifamily) zones. **These provisions will also apply to properties within the RM-3 zone within the East Lynden Sub-Area, provided that the project design includes areas of density within the overall project that are consistent with the density allowances of the RM-3 zone.**

SECTION B. Section 19.29.060 (A) of the Lynden Municipal Code is amended to read as follows (amendment included in **bold text**).

A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. **The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.**

SECTION C. Section 19.29.070 of the Lynden Municipal Code is amended to read as follows (amendment included in **bold text**).

- A. When at least ten percent (**10%**) of the land is set aside in common open space satisfying the requirements of Section 19.29.080 of this chapter, a five percent (**5%**) bonus **to the base density** is allowed.
- B. When twenty percent (**20%**) of the land is set aside in common open space and major community facilities, as approved by the City Council

(i.e. a swimming pool, or club house) are constructed on the remaining land, a ten percent (10%) bonus to the base density is allowed.

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

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

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

PASSED by the City Council this 6th day of May, 2013.
Signed by the Mayor on this 6th day of May, 2013.


MAYOR

ATTEST:


BIL VERWOLF, CITY CLERK

APPROVED TO AS FORM:


ROBERT CARMICHAEL,
CITY ATTORNEY