

#### 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 sixty-five thousand 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. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. 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.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

#### 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; N = Not permitted; C = Permitted as a conditional use.

Land Use	HBD	CSL	CSR
Adult entertainment uses	N	C(4)	N
Agricultural product and/or equipment parts sales	N	C	P
Animal auction barn	N	N	N
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	N	C	C
Auction facilities for other goods	N	P	P

Automotive support services such as auto repair, auto body painting and repair, window repair and replacement	N	C	P
Banks and financial institutions	P	P	P
Barber shops, beauty salons	P	P	P
Bed and breakfast	P	P	N
Body piercing and tattoo studios	N	N	P
Business Parks where at least twenty percent of the total GFA of the park is related to onsite retail, showroom, or office use.	N	N	P(9)
Business schools	P	P	P
Car wash	N	P	P
Carpet sales	P	P	P
Clubs and lodges	P	P	N
Commercial recreation - indoor (includes bowling alleys, skating rinks)	P	P	P
Commercial sporting events	C(7)	N	C(7)
Construction material sales	N	C	P
Contractors and construction services	N	C	P
Convention center, including banquet facilities and/or meeting halls	C	P	P
Day care facilities	P	P	PA
Day spas	P	P	P
Farm implement and machinery sales and service or large machinery rentals (over five hundred pounds)	N	C	P

Fitness facilities	P	P	P
Fueling stations (may include convenience store)	N	P(2)	P(2)
Government agency offices or government facilities where at least twenty percent of the GFA is office-use related.	C	P	P
Grocery store	P	P	P
Home furnishings stores	P	P	P
Home improvement and hardware stores	P	P	P
Hospitals	N	N	N
Hotels, motels — includes indoor restaurants, gift shops and other businesses associated with a hotel or motel	P	P	P
House of worship	N	P	P
Laundry and dry cleaning facilities	P	P	P
Landscape plants and landscape materials for retail sales	N	P	P
Liquefied petroleum storage station for more than one thousand gallons, subject to International Fire Code standards	N	N	P
Liquor sales	P	P	P
Manufacture, fabrication, assembly, woodworking and metal working shops, where at least twenty percent of the GFA is related to on-site retail or office space. All uses subject to the performance standards of <u>Chapter 19.25</u> of LMC	N	C(10)	P
Manufactured home parks	N	N	N
Marijuana related businesses including retail sales, production, processing, medical marijuana collective gardens, and medical marijuana cooperative	N	N	N
Martial arts or dance schools	P	P	P

Medical and dental clinics (see Surgical Centers below)	P	P	P
Medical services overlay	N	N	P
Mini-storage facilities	P(6)	P	P
Mobile/Manufactured home communities established prior to annexation and considered an existing nonconforming use	N	N	C(11)
Motor vehicle and recreational vehicle sales and service	N	C	P
Multi-family residences	P(5)	P(5), (8)	N
Non-retail communications services	P	P	P
Non-profit offices that include warehousing	C	C	P
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 RCW Section 70.105.210.	PA	PA	PA
Pet supply store and grooming (no boarding)	P	P	P
Pharmacy	P	P	P
Photography studio	P	P	P
Printing and duplicating shops	P	P	P
Professional and business offices	P	P	P
Public use facilities	P	P	P
Research and development facilities	N	P	P
Restaurant — with drive thru	N	P	P
Restaurants and cafés	P	P	P

Retail (general retail) not otherwise defined	P	P	P
Retail appliance and electronic equipment sales, including parts sales and repair	P	P	P
Retail feed and seed stores	N	P	P
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	N	P	P
Retail shopping center or mall	P	P	P
Retail stores greater than sixty-five thousand square feet	N	N	P(1)
Sign design, fabrication, and installation companies	N	C	P
Single-family residences existing prior to 1992	N	P	N
Skilled nursing and assisted living facilities	N	P	N
Surgical centers	N	C	P
Theaters and movie theaters	P	P	P
Truck and trailer sales and service	N	C	P
Undertaking establishment	N	P	N
Utility facilities	C	C	P
Video arcades	P(3)	P(3)	P(3)
Warehousing, including open to the public	P(6)	N	C
Wholesaling, including open to the public	N	N	C

(1) See Sections 19.23.080 and 19.23.090 for special conditions for large retail uses.

(2) See Section 19.23.100, special conditions for automobile service stations.

(3) Any arcade with ten or more machines shall have an adult supervisor on the premises during all hours of

operation and shall not be located within three hundred feet of a school, church or residence.

- (4) These uses may not be located within three hundred feet from Front Street, or two hundred feet from a residentially zoned area, or within two hundred feet from the fairgrounds, or five hundred feet from a church or school.
- (5) This use is permitted as part of a mixed use development, where at least sixty percent of the ground floor area is a permitted commercial use. This is calculated based on the ground floor area of all the buildings on the site where there are multiple buildings proposed.
- (6) The use is permitted under the following conditions. These conditions may be varied through the receipt of a conditional use permit.
  - a. 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.
  - b. 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.
  - c. 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 Section 19.61.090.A. All off-street parking requirements must be met on site.
  - d. 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 and conditionally permitted in the HBD zone under the following conditions:
  - a. The promoter/proprietor of the event must provide proof of insurance in an amount and form approved by the finance director.
  - b. Off-street parking is provided and monitored to ensure emergency access at all times;
  - c. 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.
  - d. No alcohol may be sold, distributed or consumed on site.
  - e. Mixed martial arts, boxing, wrestling or other "fight-type" events must meet the requirements of RCW 67.08.
- (8) Multi-family development is permitted within the CSL zone under the following conditions:
  - a. This use is permitted only within the North Lynden Subarea;
  - b. No residential development will be permitted at the intersections of arterial streets and/or state highways in the area determined by measuring two hundred feet along both front and side property lines and diagonally connecting the ends of the two lines.
  - c. Minimum density: Eight units per acre.
  - d. Maximum density: Twenty-four units per acre.
  - e. Off-street parking: As required by Chapter 19.51 LMC.

- f. Height: As per Section 19.23.050.
  - g. Setbacks: As per Section 19.17.060.A.
  - h. Minimum lot size: Based on number of units and calculated under Section 19.17.060.B.
  - i. Lot coverage and open space: As per Section 19.17.060.A.
- (9) Business parks are required to formalize a development agreement with the city council after receiving a recommendation from the planning commission which:
- a. Specifies a list of permitted, conditional, and prohibited uses with the business park.
  - b. Outlines a parking and loading standards which anticipates the uses permitted.
  - c. Creates standards for and screening of outdoor storage and refuse areas.
  - d. Addresses unique signage requirements.
  - e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.
- (10) Manufacture, fabrication, assembly, woodworking and metal working shops locating within a CSL zoning category must acquire a conditional use permit if the subject property is located within three hundred feet of a residentially zoned property.
- (11) The expansion of existing, legal nonconforming mobile/manufactured home communities (MHCs) by adding addition units/pads within an existing community boundary shall be permitted only with an approved conditional use permit (CUP). Approval of the CUP may be conditioned on meeting setbacks, providing buffers, and other appropriate design standards for MHCs. Connecting all units to city utilities is required. This is conditional use is applicable only within the CSR zone.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1477, § A, 2-17-2015; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018; Ord. No. 1616, § A, 2-17-2021)

#### 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 chapter.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

#### 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 function (Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

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 all commercial zoning districts shall be subject to review and approval by the design review board.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)