

**ORDINANCE NO. 1349**

**AN ORDINANCE OF THE CITY OF LYNDEN  
AMENDING SECTION 19.23.030 OF THE LYNDEN MUNICIPAL CODE  
REGARDING RESIDENTIAL USES WITHIN THE CS -1**

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

**WHEREAS**, residential structures within the CS-1 zone continue to have value as housing while awaiting conversion to commercial uses; and

**WHEREAS**, the limitations as to reconstruction in the event of the destruction of the structure limits financing options for homeowners; and

**WHEREAS**, the notice of public hearing was published in the Lynden Tribune on January 7, 2009; and

**WHEREAS**, a determination that this amendment would create no significant impacts on the environment was made under WAC 197-11; and

**WHEREAS**, the Lynden Planning Commission held a public hearing on January 8, 2009, at the City of Lynden, City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed amendment, and that meeting was duly recorded; and

**WHEREAS**, the City Council of the City of Lynden held a public hearing on the proposed zoning designation on January 20, 2009 at the City of Lynden, City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed amendment, and that meeting was duly recorded; and

**WHEREAS**, The City of Lynden has made the following findings of fact to support the amendment to Section 19.23.030 of the Lynden Municipal Code;

1. The amendment is consistent with the Comprehensive Plan and meets the applicable requirements and intent of the Lynden Municipal Code.
2. The amendment is consistent with the purpose and intent of Chapter 19.23 of the Lynden Municipal Code and furthers the intent of the CS-1 zoning designation; and
3. Allowing residential uses within the CS-1 zone supports commercial development and within these areas and reduces the number of vehicular trips to on the City's transportation system; and
4. The Growth Management Act encourages cities to develop residential uses in locations where there are existing utilities and to increase residential density within a community and permitting residential uses in commercial zones accomplishes this goal; and

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

SECTION A. Section 19.23.030 of the Lynden Municipal Code is amended to read as follows (amendment included in **bold text**):

|  | HBD      | CS-1     | CS-2     | CS-3     |
|--|----------|----------|----------|----------|
| <b>Single family residences existing prior to 1992</b> | <b>N</b> | <b>P</b> | <b>N</b> | <b>N</b> |

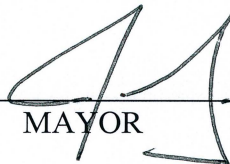
SECTION B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each 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.

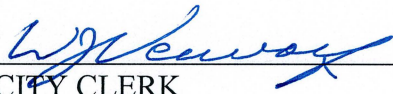
SECTION C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

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

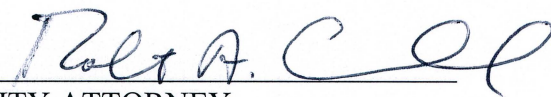
**PASSED BY THE LYNDEN CITY COUNCIL THIS 20 DAY OF JANUARY, 2009 BY A VOTE OF 6 IN FAVOR AND 0 AGAINST, AND SIGNED BY THE MAYOR ON THE SAME DATE.**

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED TO AS FORM:

  
CITY ATTORNEY