

19.29.130 - Requirement for homeowner's association and restrictive covenants.

To preserve and maintain community facilities and open space, every PRD or MPRD shall have a homeowner's association and agreements and enforceable covenants to fund and effectively collect funds for such an organization. Said agreements and enforceable covenants shall apply to all property within the PRD or MPRD, shall be recorded and shall run with the land.

- A. The restrictive covenants and/or homeowner's association intended to be used by the applicant in a PRD or MPRD, which purports to restrict the use of land, the location or character of buildings or other structures thereon, set aside open space, and establish provisions for the perpetual maintenance of common grounds, must be reviewed by the technical review committee. The city attorney will make a written report to the planning commission which shall be subject to approval by the city council, before final approval of the PRD application and recording with the county auditor.
- B. The homeowner's association authority shall be established in restrictive covenants applicable to all property within the PRD or MPRD. Said restrictive covenants shall provide, inter alia, for the assessment, collection and enforcement of collection of such homeowner's dues as are necessary for adequate maintenance of open space, common grounds and stormwater facilities, any private roads or utilities, and for performance of any other association obligations.
- C. A homeowner's association covenants, once reviewed and approved by the City of Lynden, shall contain the following provisions: "Changes in these documents must be approved by the City of Lynden through the Lynden City Council or if the council designates an agency or department, by that agency or department." Any changes suggested shall be reviewed by the Lynden City Attorney, who will make a written report to the Lynden City Council concerning the effect of the proposed changes. The cost of review by the Lynden City Attorney will be paid by the homeowner's association.
- D. The PRD and MPRD developers/property owners shall notify each buyer that it is the policy of the City of Lynden never to acquire or maintain the common grounds unless the city chooses to accept a dedicated open space under Section 19.29.080. This policy shall be clearly shown in recorded documents so that future buyers will be aware of this policy.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)