

ORDINANCE NO. 2009-08-047

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, CREATING A NEW BMC CHAPTER 20.28 INFILL HOUSING, AND NEW SUBSECTION BMC 20.12.030.E, GREEN FACTOR LANDSCAPING STANDARDS, AND AMENDING BMC 18.04.040, 20.08.020.F(3), AND 21.10.040.C TO IMPLEMENT THE NEW CHAPTER

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated through infill as well as in compact "urban centers" or "villages", while preserving the character of existing single family neighborhoods (FLU-15); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City make more efficient use of the remaining City land supply by facilitating development on existing lots of record; developing flexible code provisions that allow a range of housing types; and other steps necessary to make better use of the remaining land supply (Infill Strategy 1); and

WHEREAS, the Bellingham Comprehensive Plan directs that development regulations, including the allowed density and intensity, should provide for and encourage the efficient use of land (LU-99); and

WHEREAS, the Bellingham Comprehensive Plan encourages infill developments that are sized and designed to fit their surroundings (LU-100); and

WHEREAS, the Bellingham Comprehensive Plan prioritizes the reduction in the number and length of vehicle trips and encourages increasing the opportunity to use public transportation and non-motorized modes of travel (TP-1); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should promote the use of innovative development patterns to better utilize land, promote design flexibility, and preserve open space and natural features (HP-5); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should ensure the availability of lot sizes that are small enough to be cost effective for developers and affordable for potential homeowners (HP-21); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should allow for an adequate supply and more efficient use of land through such methods as substandard lots of record, flexible setbacks, flexible street frontage requirements, cluster-attached wall housing, cluster subdivisions, cottage housing, and skinny streets with alleys (HP-27); and

WHEREAS, the City Council adopted the Bellingham Comprehensive Plan on June 5th, 2006; and

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WHEREAS, the Infill Housing Toolkit has been the subject of a community workshop series in Spring 2008 called Planning Academy II; Achieving Infill; Enhancing Character, public meetings and outreach efforts over the last year, culminating in the creation of the draft Infill Housing Chapter and associated code amendments; and

WHEREAS, Planning staff worked closely with residents, businesses, interested parties, and potentially affected interests to identify and obtain general public consensus on main issues, and formulate specific proposals to address them; and

WHEREAS, on March 30, 2009, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington was notified in March of 2009 of the City's intent to adopt a Infill Housing Chapter and associated code amendments; and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on April 16, 2009 on the proposed Land Use Development Code Amendments with appropriate public notice provided, and held two additional work sessions on April 30, 2009 and May 14, 2009 and thereafter made Findings, Conclusions and a Recommendation for adoption of the Infill Housing Chapter and associated code amendments; and

WHEREAS, the Bellingham City Council held a public hearing June 29, 2009, and work sessions on July 13, 2009 and July 27, 2009, and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation with amendments; and

WHEREAS, the City Council finds that the Infill Housing Chapter and associated code amendments satisfies the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act and the Bellingham Comprehensive Plan; and

WHEREAS, a resolution adopting a fee schedule accompanies this ordinance;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Section 18.04.040 regarding the scope of the Subdivision Ordinance is hereby amended as follows:

18.04.040 - Scope

The provisions of this Ordinance shall apply to all division, subdivision, short subdivision, binding site plans and lot line adjustments of land within the corporate limits of the City of Bellingham. If the provisions of this Title conflict with the provisions of BMC 20.28 Infill Housing, the provisions of BMC 20.28 shall prevail.

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Section 2. Bellingham Municipal Code Subsection 20.08.020.F regarding Specific Definitions is hereby amended as follows:

- F. 1. [Unchanged.]
- 2. [Unchanged.]
- 3. **Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a site divided by the site area. For the purposes of calculating FAR, the total gross floor area **includes** the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including elevator shafts and stairwells on each floor and service and mechanical equipment rooms; **but excluding** exterior decks and balconies, all floor area with ceiling height not more than 3 feet above the adjacent finished ground level, and structured parking (including garbage facilities therein)
- 4. **Foster Home:** See "Service Care . . . Foster Home."
- 5. **Freeway Oriented Sign:** See "Sign, Freeway Oriented."

Section 3. Bellingham Municipal Code Section 20.12.030 regarding Landscaping is hereby amended to add a new Subsection E. Green Factor as follows:

E. Green Factor.

- 1. The green area factor score for a lot is determined by:
 - a. Multiplying the square feet, or equivalent square footage where applicable, of each of the existing and proposed landscape elements in Chart A by the green area multiplier shown for that element.
 - b. Adding together all the products computed under 1.a. above to determine the total green area factor.
 - c. Divide the total green area factor by the lot area to determine the green area factor score.
- 2. If multiple landscaping elements occupy an area (for example, groundcover under a tree), the full square footage or equivalent square footage of each element is used to calculate the product for that element.
- 3. Public right-of-way is not included in parcel size calculation.
- 4. Landscape elements that are in rights-of-way may be counted to calculate the score if they are contiguous with the parcel.

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5. For **vegetated walls**, use the square footage of the portion of the wall covered by vegetation.
6. For all elements other than trees, large shrubs and **vegetated walls**, square footage is determined by the area of the portion of a horizontal plane that underlies the element.
7. Permeable paving may not qualify for more than one-third of the green factor numerator for any one site.

Chart A of Subsection 20.12.030.E - Green Factor Landscape Elements

1. Landscaped areas (select one of the following for each area):
Multiplier
 - a. Landscaped areas with a soil depth of less the 24" 0.1
 - b. Landscaped areas with a soil depth of 24" or greater 0.8
 - c. Bioretention facilities 1.0
2. Plantings (credit for plants in landscaped areas above):
 - a. Mulch, ground covers, or other plants less than 2' tall at maturity 0.2
 - b. Plants 2' or taller at maturity, calculated at 16 sq. ft. per plant (typically planted no closer than 18" on center) 0.3
 - c. Tree canopy for "small trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 15') calculated at 50 sq. ft. per tree 0.3
 - d. Tree canopy for "small/medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 20') calculated at 100 sq. ft. per tree 0.3
 - e. Tree canopy for "medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 25') calculated at 150 sq. ft. per tree 0.4
 - f. Tree canopy for "large trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 30') calculated at 200 sq. ft. per tree 0.5
 - g. Tree canopy for preservation of "exceptional trees" or other large

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existing trees 6" or greater in diameter, calculated at 15 sq. ft. per inch DBH (diameter 4.5 feet above the ground)	0.8
3. Green Roofs	
a. Over at least 2" and less than 4" of growth medium	0.4
b. Over at least 4" of growth medium	0.7
4. Vegetated Walls	0.7
5. Approved Water Features	0.7
6. Pervious Paving	
a. Pervious paving over at least 6" and less than 24" of soil or gravel	0.3
b. Pervious paving over at least 24" of soil or gravel	0.5
7. Structural Soil Systems	0.4
8. Bonuses	
a. Drought-tolerant or native plant species	0.1
b. Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater	0.2
c. Landscaping in food cultivation	0.3

Section 4. A new chapter BMC 20.28 Infill Housing is hereby added to the Bellingham Municipal Code as shown in Exhibit A.

Section 5. Bellingham Municipal Code Subsection 21.10.040.C. regarding types of land use decisions is hereby amended as follows:

C. Type II. A Type II review process is an administrative review and decision by the Director. Public notice is required. Appeals of Type II decisions are decided by the Hearing Examiner. The following are Type II decisions:

1. Accessory dwelling unit;
2. Design review for projects that:
 - a. Require a SEPA threshold decision; or

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- b. Include construction of a new building; or
 - c. Include an exterior non-residential addition to an existing building; or
 - d. Include an exterior addition of one or more residential units.
3. General binding site plan;
 4. Grading permits requiring a SEPA threshold decision;
 5. Home occupation permit;
 6. Institutional site plan;
 7. Land use approval for building, demolition and sign permits for projects requiring a SEPA threshold decision if the SEPA review was not previously completed;
 8. Land use approval for public facility construction permits for streets, storm water facilities sewer and/or water facilities requiring a SEPA threshold decision if the SEPA review was not previously completed;
 9. Planned development;
 10. Shoreline substantial development permit or variance;
 11. Preliminary Short plats consisting of 5-9 Lots that are not using cluster subdivision provisions; and cluster short plats of 1-4 lots without a density bonus (unless the Director requires Process III-A) but EXCLUDING any short plats rounding up the number of lots from a fraction of less than .75 when dividing the combined area of two or more lots of record by the required minimum lot size;
 12. Critical Area permit requiring a SEPA threshold decision;
 13. Infill housing projects under BMC Chapter 20.28; and
 14. Type I decisions that require a SEPA threshold decision and all other decisions specifying a Type II process.


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PASSED by the Council this 10th day of August, 2009.



Council President

APPROVED by me this 19th day of August, 2009.



Mayor

ATTEST 
for Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

August 14, 2009

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EXHIBIT A

BMC 20.28 Infill Housing

20.28.010 Purpose.

This chapter establishes special development regulations for a series of housing forms that are different than the traditional detached single family dwelling unit. These regulations are intended to implement comprehensive plan goals and policies encouraging infill development, more efficient use of the remaining developable land, protection of environmentally sensitive areas, and creating opportunities for more affordable housing. The housing forms listed in this chapter are intended for use in city neighborhoods, urban villages, and in Bellingham's urban growth areas as described in BMC 20.28.020.

20.28.020. Applicability.

- A. The housing types in this Chapter are not permitted in Residential Single zones, Neighborhood Commercial zones or property regulated by BMC 16.80 Lake Whatcom Reservoir regulatory chapter, except in those Areas that were annexed into the city after 1995 with a "mixed" Qualifier that allows multi-family residential. The housing types in this Chapter are permitted in all other zones that allow residential, including specifically designated areas of Urban Villages. In the Residential Multi-Duplex zone, only Small House, Smaller House, Cottage, Detached Accessory Dwelling Unit, Carriage House and Duplex are permitted.
- B. If the provisions of this chapter conflict with any other provision in BMC Title 18, Title 20, or Title 21, the provisions of this Chapter shall apply.

20.28.030 Process.

- A. In accordance with BMC 21.10, all housing forms will use a Type II process, and all land use applications may be consolidated under the highest type. Design review applies as outlined in BMC 20.25 with additional design standards and guidelines as specified under each housing type.
- B. Applicants may request minor modifications to the general parameters and design standards set forth in this chapter. The Planning Director or Hearing Examiner may modify the requirements if all of the following criteria are met:
 - 1. The site is constrained due to unusual shape, topography, easements or sensitive areas.
 - 2. The modification is consistent with the purpose of this chapter.
 - 3. The modification will not result in a development that is less compatible with neighborhood land uses.
- C. Property ownership may be held in common, through a subdivision or a binding site plan.

20.28.040 Definitions.

The following definitions apply to this Chapter:

- A. Smaller House:** Detached single family dwelling units on lots 1,800 square feet to 3,000 square feet in size.
- B. Small House:** Detached single family dwelling units on lots over 3,000 square feet but not more than 5,000 square feet in size.
- C. Cottage Housing:** A coordinated grouping of four to eight small detached single family dwellings clustered around common open space and having shared parking.
- D. Carriage House:** A second dwelling unit located above a parking garage and subordinate to a single family dwelling unit on the same lot.
- E. Detached Accessory Dwelling Unit:** A second dwelling unit subordinate to, and detached from a single family dwelling unit on the same lot.
- F. Duplex:** A building containing only 2 dwelling units.
- G. Triplex:** A building containing only 3 dwelling units.
- H. Shared Court Housing:** Four to six dwelling units oriented to a shared courtyard providing access for both vehicles and pedestrians but designed to give priority to pedestrians.
- I. Garden Court Housing:** Four to eight dwelling units clustered around a common open space or courtyard.
- J. Townhouse:** A dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.
- K. Common Shared Structure:** A building or structure designed and intended for the common use of the residents of the cottage housing.
- L. Design Standards:** Requirements related to the design of the project. Developments are required to meet the design standards in this chapter.
- M. Design Guidelines:** Guidelines for meeting the intention of the ordinance.

20.28.050 General Standards

- A. Density.** Density shall be as specified in the associated Area in the zoning table. If there is more than one density listed in the table, the maximum density applies.
- B. Lot requirements.** There are no minimum lot dimensions, lot sizes or minimum street frontage requirements unless otherwise specified in this chapter. Up to 8 dwelling units may take access from a single private lane in place of public street frontage.
- C. Subdivision.** Sites with cottage, shared court, garden court, and townhouse types may be subdivided into lots that do not comply with development standards in BMC 18 individually, as long as the parent site as a whole complies with this chapter. The plat shall contain notice of any associated land use approvals. Subsequent alterations to buildings are subject

to review and approval of plans such that they are consistent with the regulations in this Chapter that were previously applied to this site.

D. Common Facilities. Legal documents identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common facilities shall be submitted for approval by the Planning Director and recorded. When part of a subdivision they shall be noted on the plat.

E. Encroachments into Required Setbacks. The following architectural features are permitted to project 2 feet into the required setback: bay windows, chimneys, porches, balconies, façade treatment and other architectural features approved by the Planning Director.

F. Private Lanes and Alleys.

1. Each lot must abut a street or lane except lots for individual units in cottage, shared court, and garden court.
2. Private lanes and alleys must be surfaced with a hard material such as concrete, asphalt, pervious paving or grasscrete. Gravel or loose material is prohibited.
3. Lanes and alleys must be maintained to City Standards, and legal documents regarding common facilities and maintenance must be submitted for approval by the Planning Director and recorded.
4. Lanes and alleys must be constructed to the following Improvement standards:

	Travel Lane Width	Pedestrian Path Width	Total Width
Small Lane (1-2 dwelling units)	9 feet	N/A	9 feet
Medium Lane (3-5 dwelling units)	11 feet	4 feet, one side	15 feet
Large Lane (6 + dwelling units and lanes over 100 feet long)	12 feet	4 feet, both sides	20 feet
Alleys	15 feet	N/A	20 feet

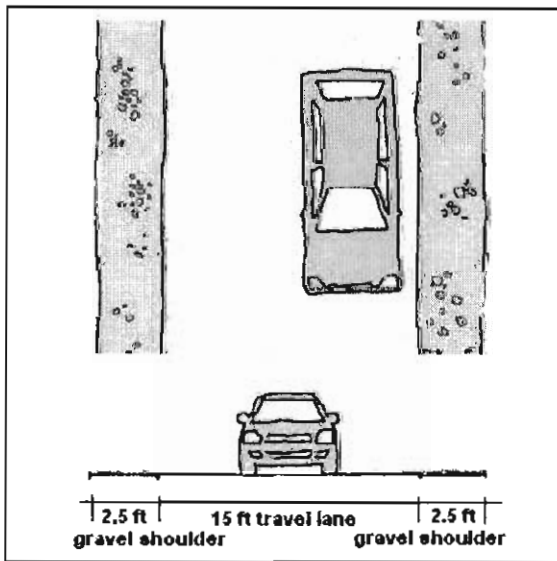


Figure 28.1 Typical alley plan and section

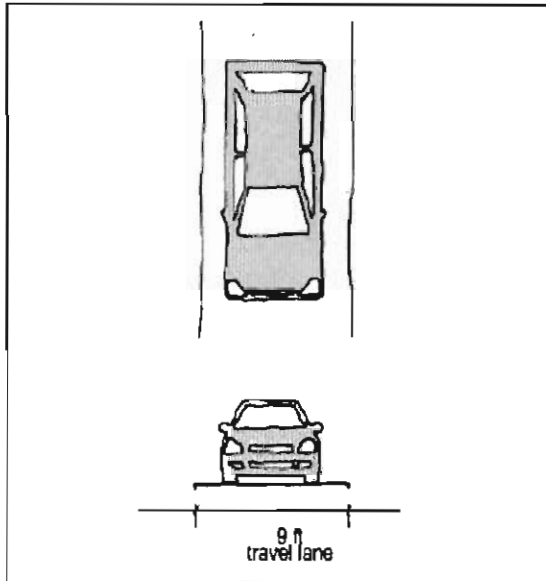


Figure 28.2 Small lane plan and section

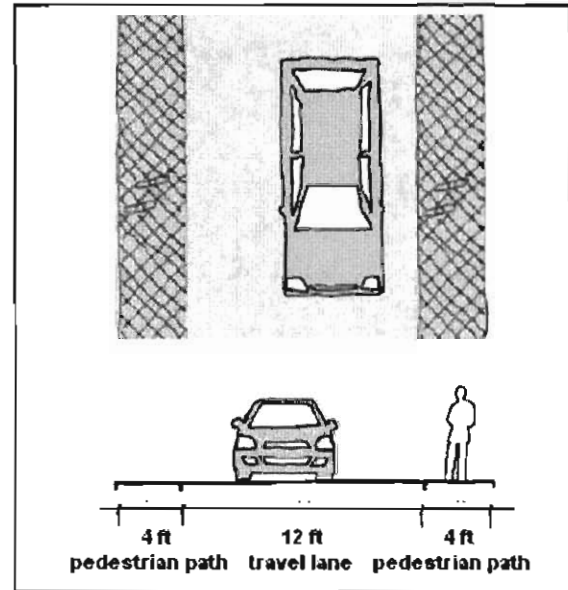


Figure 28.4 Large lane plan and section

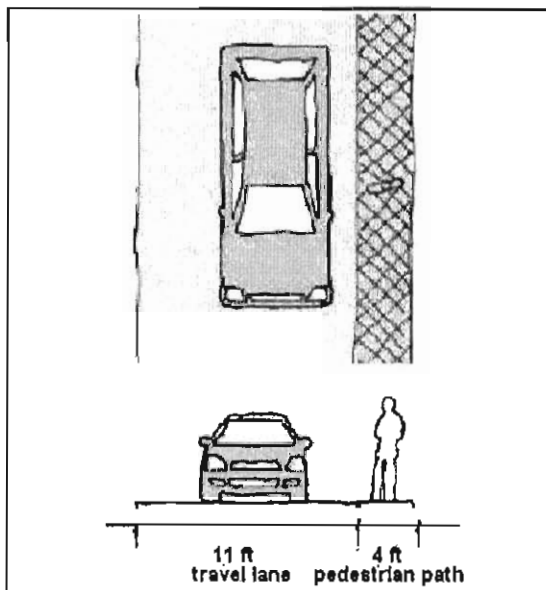


Figure 28.3 Medium lane plan and section

5. Pedestrian paths must be delineated with a change in material, color or pattern.
6. No single lane may serve more than 8 dwelling units.
7. Parking is not allowed within the lane width but may be allowed in a pocket abutting a lane.
8. Lanes longer than 150 feet must either connect to an improved public street or provide a turn-around sufficient for emergency access.
9. Private lanes shall be considered streets for frontage, setback and design purposes.
10. Private lanes and alleys are not included in FAR and Open Space calculations.

20.28.060 Smaller House

A. Description

Smaller House development consists of detached single family dwelling units on lots of 1,800 square feet and up to 3,000 square feet.

B. Site Requirements and Setbacks

1. Lot size: Minimum 1,800 square feet and maximum 3,000 square feet.
2. The required setbacks are as shown in Figures 28.5 and 28.6, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the Figures.

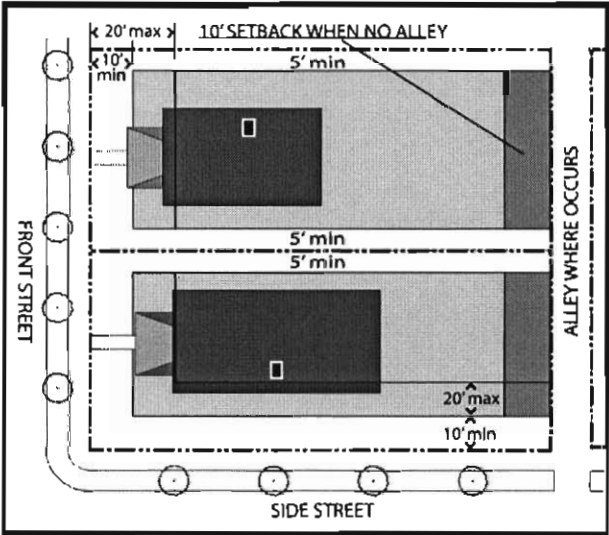


Figure 28.5 Setbacks – Main building

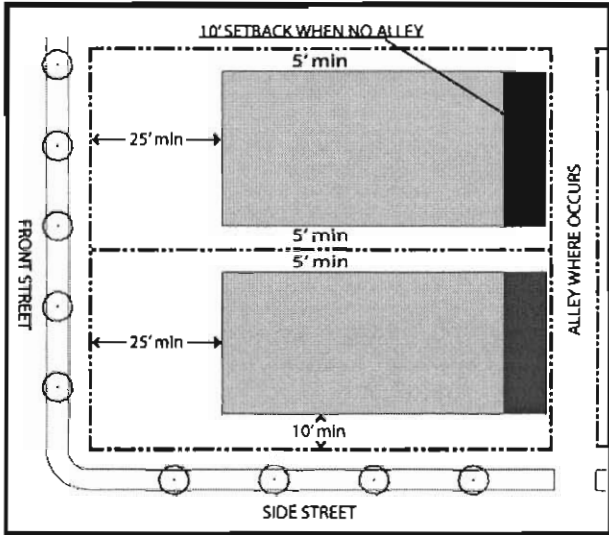


Figure 28.6 Setbacks – Garages & Carports

C. Bulk and Massing

1. Maximum Floor Area Ratio (FAR): 0.4. Attached garages are included in FAR. Detached garages up to 220 square feet are exempt from FAR.
2. No single floor shall be greater than 600 square feet.
3. Maximum height is 25 feet under Definition #1 and 15 feet under Definition #2.

D. Open Space

1. A minimum of 60% of the site area shall be in landscaping and pervious materials (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the Planning Director.

E. Parking

1. Dwelling units under 1,000 square feet shall provide one on-site parking stall. Units of 1,000 square feet or larger shall provide two on-site parking stalls. The Planning

Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.

2. Tandem parking is allowed (may be exterior or interior).
3. If an alley exists, parking shall be accessed via the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.
4. If a lane exists, but no alley, parking shall be accessed via the lane.
5. Adjacent properties may share a driveway upon approval of a shared access and maintenance agreement.
6. Detached garages may share a common wall along a property line if a shared maintenance agreement is in place.
7. Parking accessed from the public street shall be limited to one driveway of 20' maximum width.
8. Parking setbacks from property line:

Front street:	25 feet
Side street:	10 feet
9. All common shared driveway, common wall or any common facility shall be approved by the Planning Director. Final documents are required to be recorded.

F. Design Standards

1. Each dwelling shall have a covered front porch with an area of 60 square feet or more, with no dimension less than 5 feet.
2. Dwelling units that front the public street or lane shall have entrances facing the public street or lane.
3. All fences in the front and side street setbacks are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

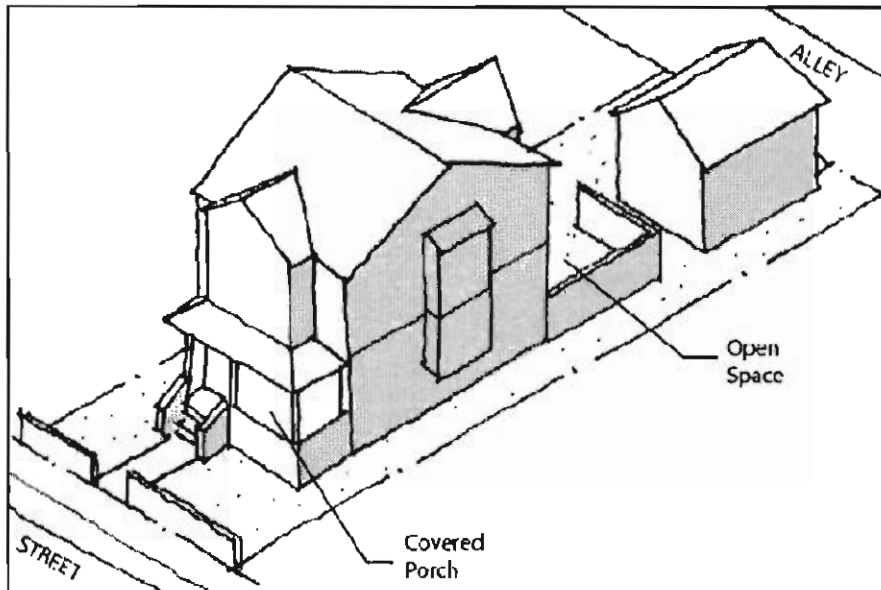


Figure 28.7 Annotated graphic of Smaller House

G. Design Guidelines

Use context-sensitive site design and building details to help ensure that new infill development will enhance the neighborhood and respect the scale and character of the existing houses on a street.

1. Building Design

- a. Single story massing elements should be emphasized on the front facades, using porches and bays seen from the street.
- b. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- c. The massing should be varied with elements such as bays, dormers, etc.
- d. A change of materials, colors or textures on different elements is encouraged to provide further articulation and additional variety and character.
- e. Homes should minimize the impact of the garage on the streetscape by minimizing blank garage doors, through the use of windows and/or architectural detail on the garage door.

2. Site Design

- a. Front yard parking aprons are not allowed.
- b. Back yards should be designed for privacy from neighbors.
- c. Fencing, especially when seen from the street, should be designed to integrate into the architecture of the building and add visual interest in its detail, materials or color.

20.28.070 Small House

A. Description

Small Houses consist of detached single family dwelling units on lots over 3,000 square feet and up to 5,000 square feet.

B. Site Requirements and Setbacks

1. Lot size: Minimum 3,001 square feet and maximum 5,000 square feet.
2. The required setbacks are as shown in Figures 28.8 and 28.9, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width.) Buildings shall be placed within the shaded areas shown in the Figures.

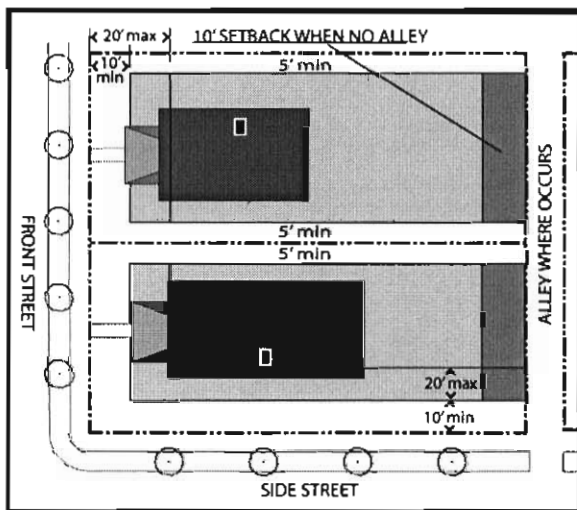


Figure 28.8 Setbacks – Main building

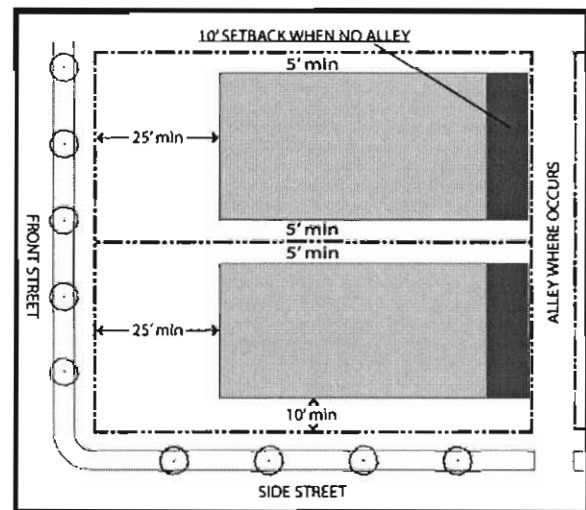


Figure 28.9 Setbacks – Garages & Carports

C. Bulk and Massing

1. Maximum Floor Area Ratio (FAR): 0.35. Attached garages are included in FAR. Detached garages up to 220 square feet are exempt from FAR.
2. No single floor shall be greater than 800 square feet.
3. Maximum height is 25 feet under Definition #1 and 15 feet under Definition #2.

D. Open Space

1. A minimum of 60% of the site area shall be in landscaping and pervious materials (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the Planning Director.

E. Parking

1. Dwelling units under 1,000 square feet shall provide one on-site parking stall. Units of 1,000 square feet or larger shall provide two on-site parking stalls. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.

2. Tandem parking is allowed (may be exterior or interior).
3. If an alley exists, parking shall be accessed via the alley unless the Planning Director determines that alley access is impractical or environmentally constrained.
4. If a lane exists, but no alley, parking shall be accessed via the lane.
5. Adjacent properties may share a driveway upon approval of a shared access and maintenance agreement.
6. Detached garages may share a common wall along a property line if a shared maintenance agreement is in place.
7. Parking accessed from the public street shall be limited to one driveway of 20' maximum width.
8. Parking setbacks from property line:

Front:	25 feet
Side street:	10 feet
9. All common shared driveway, common wall or any common facility needs to be approved the Planning Director. Final documents are required to be recorded.

F. Design Standards

1. Shall have a covered front porch with an area of 60 square feet or more, with no dimension less than 5 feet.
2. Dwelling units that front the public street or lane shall have entrances facing the public street or lane.
3. All fences in the front and side street setbacks are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

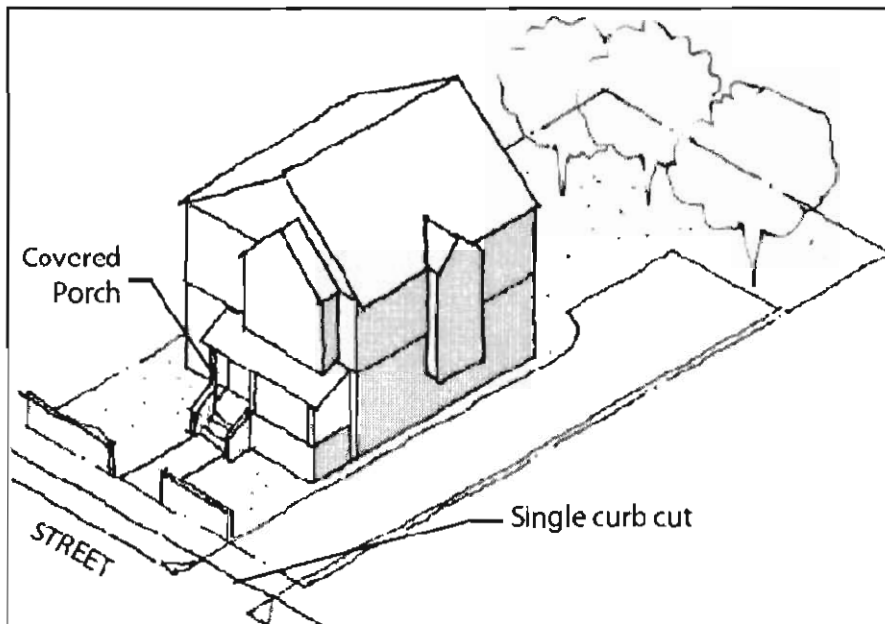


Figure 28.10 Annotated graphic of Small House

G. Design Guidelines

Use context-sensitive site design and building details to help ensure that new infill development will enhance the neighborhood and respect the scale and character of the existing houses on a street.

1. Building Design

- a. Single story massing elements should be emphasized on the front facades, using porches and bays seen from the street or lane.
- b. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- c. The massing should be varied with elements such as bays, dormers, etc.
- d. A change of materials, colors or textures on different elements is encouraged to provide further articulation and adds variety and character.
- e. Homes should minimize the impact of the garage on the streetscape by minimizing blank garage doors, through the use of windows and/or architectural detail on the garage door.

2. Site Design

- a. Front yard parking aprons are not allowed.
- b. Back yards should be designed for privacy from neighbors.
- c. Fencing, especially when seen from the street, should be designed to integrate into the architecture of the building and add visual interest in its detail, materials or color.

20.28.080 Cottage

A. Description

Cottage housing is a grouping of small compact, detached single family dwelling units clustered around a common area and developed with a shared plan for access and parking, and a coordinated design for the buildings and site.

B. Site Requirements and Setbacks

1. Cottages may be located on a separate (fee simple) lot or several units may be located on a common parcel.
2. The required setbacks are as shown in Figure 28.11, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figure.

C. Bulk and Massing

1. The minimum is 4 dwelling units and the maximum is 8 dwelling units in a single development.

2. No structure shall be larger than 1,000 square feet and no single floor. area shall be larger than 600 square feet.

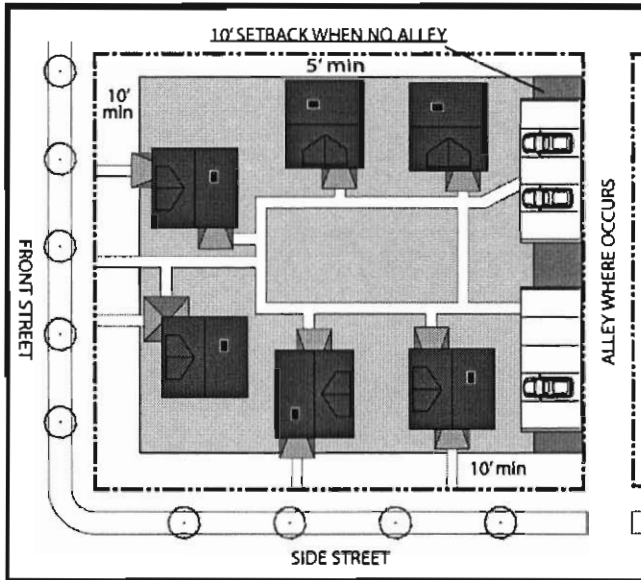


Figure 28.11 Setbacks for Cottage

3. Maximum Floor Area Ratio (FAR) is 0.4.
4. Common shared structures are allowed, limited to the same bulk and mass restrictions as dwelling units, and are exempt from FAR.
5. The height limit is 25 feet under Definition #1 or 15 feet under Definition #2.

D. Open Space

1. Each dwelling unit shall have at least 100 square feet of private usable open space with no dimension less than 5 feet. Decks may be included.
2. Private usable open space must be directly accessible from the dwelling unit, and be separated from shared spaces or paths and other units.
3. Common usable open space equivalent to 500 square feet per dwelling unit shall be provided. No single dimension shall be less than 20 feet, exclusive of parking or lanes except for emergency access. All units shall have direct access to shared open space.
4. A minimum of 60% of the site area shall be in landscaping or pervious materials (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the City.

E. Parking

1. The project shall include at least one on-site parking stall per unit. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.
2. Parking may not be located between structures or front directly upon a street.
3. If an alley exists, parking shall be accessed via the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.

4. Parking shall be consolidated in areas not less than 4 spaces.
5. Parking accessed from the public street shall be limited to one driveway of 20' maximum width.
6. Parking shall be screened from the public street by landscape feature or fence.

H. Design Standards

1. A front porch with a minimum of 60 square feet and no dimension less than 5 feet is required for each dwelling unit (in addition to private open space requirements).
2. Dwelling units that front a public street or lane shall have a porch that faces the street or lane. Units that face the shared open space shall have a porch that faces the open space. In some cases, units will require two front porches to satisfy this criteria.

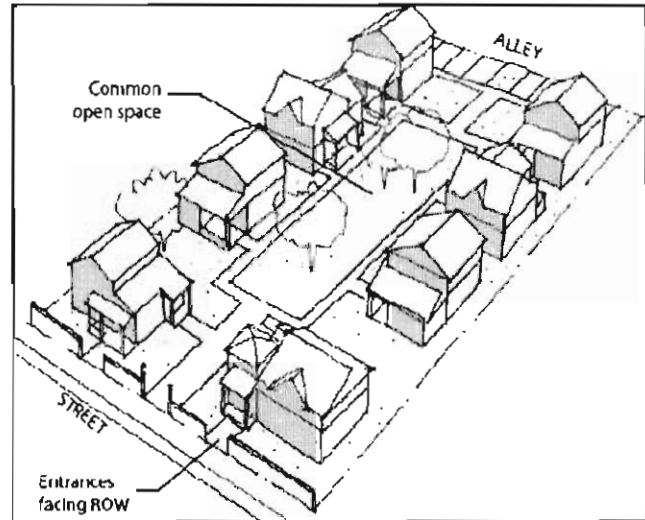


Figure 28.12 Annotated illustration of cottage

3. All fences in the front and side street setbacks, or between the common areas and the dwelling units, are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street yard.

I. Design Guidelines

Cottage housing developments should architecturally blend into existing neighborhoods through careful attention to the design of the units, open spaces, parking and landscaping. Well proportioned cottage houses, with porches, small gardens, varied roof lines and dormers can fit comfortably into surrounding neighborhoods of older, detached homes.

1. Building:

- a. Buildings should employ variety in orientation, design, and layout between cottages while maintaining a similar character to help distinguish units and support a neighborhood feel.
- b. Cottages should reflect common neighborhood design features such as porches, dormers, gables, and architectural detailing.
- c. Changes in materials, colors or textures and colors to add visual interest and character to the development are encouraged.

2. Site Design

- a. Provide small private open spaces in conjunction with a large shared open space.
- b. Provide generous use of landscape structures such as trellises, gate houses, decks, patios, and raised beds to provide plenty of usable outdoor space with a variety of environments. Use planting materials and elements such as fencing to unify the overall site design.

- c. Shared driveways are preferred.
- d. Walkways should connect all dwelling units to the shared open space and consolidated parking and should utilize pervious materials.

20.28.090 Carriage House

A. Description

A carriage house is a second dwelling unit located above a parking garage and subordinate to a single family dwelling unit on the same lot.

B. Site Requirements and Setbacks

1. The parcel must have alley access, access to more than one public street or lane, or the parcel must be greater than 10,000 square feet.
2. Only one carriage house shall be allowed per lot.
3. At least one of the dwelling units must be owner-occupied.
4. Purchasers of homes with a Carriage House must register with the Department within 30 days of purchase. A covenant, approved by the Planning Director, must be signed and recorded which specifies this requirement and the requirement for purchaser registration. An affidavit must be submitted to the Department on or before January 1 of every odd numbered year attesting to owner occupancy.
5. The carriage house is exempt from density limitations.
6. The carriage house may not be divided from the property ownership of the primary dwelling.
7. The parcel may not contain more than one primary dwelling.
8. A single family home and a carriage unit shall have a minimum of one water meter and may share a common side sewer line to the sewer main.
9. Front and side street setbacks shall comply with the underlying zoning for the main building. The required setbacks are as shown in Figures 28.13 and 28.14, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.
10. A minimum of 6 feet of separation is required between the primary residence and the Carriage House.

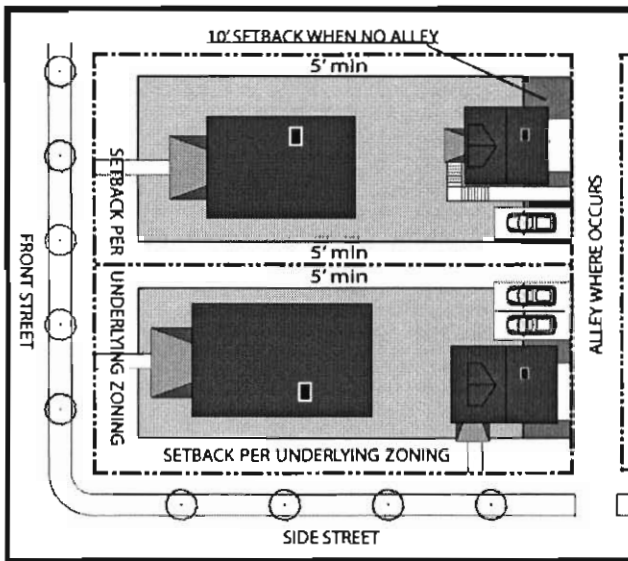


Figure 28.13 Setbacks for Carriage House

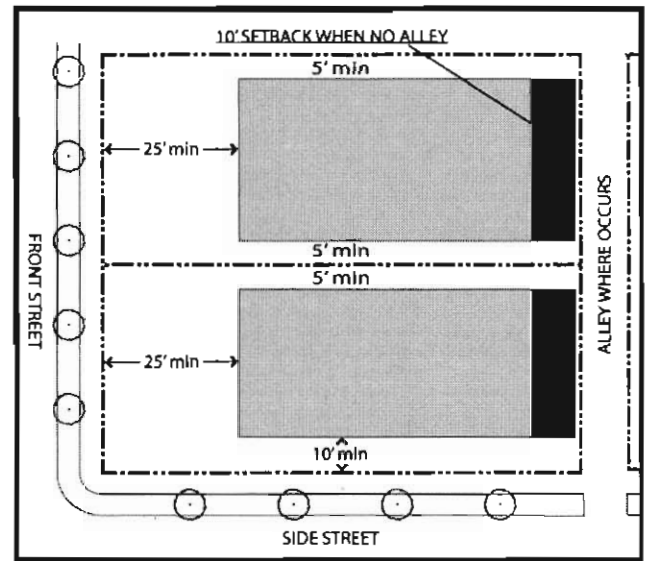


Figure 28.14 Setbacks for Garages & Carports

C. Bulk and Massing

1. A majority of the carriage unit must be located over a garage.
2. The maximum carriage unit size is 800 square feet or 40% of the primary structure, whichever is less.
3. Height must be less than or equal to primary structure, and no higher than 25 feet under Definition #1.
4. The maximum single floor area shall be 500 square feet, excluding garage space.
5. Maximum Floor Area Ratio (FAR) is 0.5 including primary structure.

D. Parking

1. One parking stall is required in addition to the required parking for primary structure.
2. If the parcel abuts an alley, parking shall be accessed from the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.
3. Parking accessed from a public street or lane shall be limited to one driveway with a maximum width of 20'.
4. Parking shall not be located in required front or side street setbacks.

E. Design Standards

1. The carriage house shall have a separate exterior entrance, not including the garage access.
2. It shall have similar roof pitch, siding and windows as the primary structure, or have other similar features that satisfy the design guidelines.
3. The entrance shall have direct access to a street, lane or alley via a pedestrian path or driveway.

F. Design Guidelines

Carriage units should architecturally blend into existing neighborhoods through careful design such that they may fit in with the nature of the primary structure so that the appearance is merely an extension of that structure.

1. Building Design

- a. Incorporate desirable elements of the primary structure into the design of the carriage house, such as building details, massing, proportions and materials.
- b. Stagger windows to not align with windows on adjacent properties to minimize privacy impacts.
- c. Small open space can often be incorporated within an upper level deck.
- d. A small stoop or covered step is encouraged to add character and distinction to the carriage house entrance.

2. Site Design

- a. Porches, patios and walkways are encouraged for carriage units since they can extend the living areas and serve multiple functions.
- b. Parking works best when located off the alley or off a second street frontage.

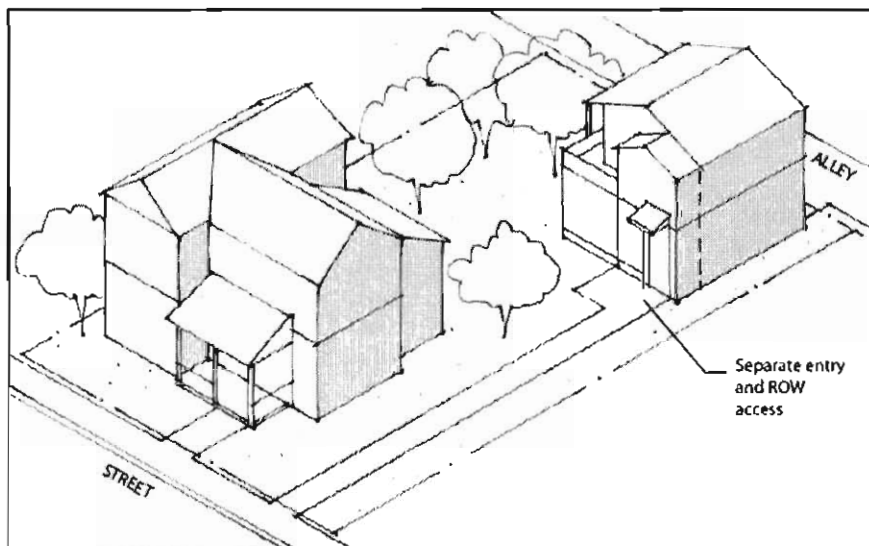


Figure 28.14 Annotated illustration of carriage unit

20.28.100 Detached ADU

A. Description

A Detached Accessory Dwelling Unit (DADU) is a freestanding accessory dwelling unit that is not attached or physically connected to the primary single family dwelling unit.

B. Site Requirements and Setbacks

1. The parcel must have alley access, access to more than one public street, or the parcel must be greater than 10,000 square feet.
2. Front and side street setbacks shall comply with the underlying zoning for the main building. The required setbacks are as shown in Figures 28.15, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.
3. A minimum of 6 feet of separation is required between the primary residence and the DADU.

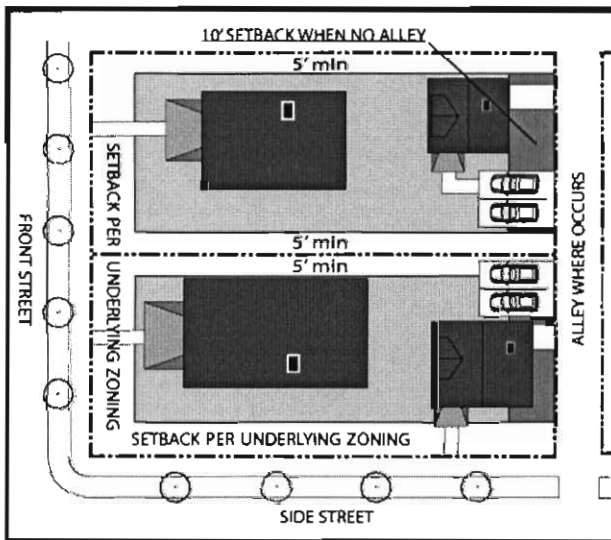


Figure 28.15 Setbacks for DADU

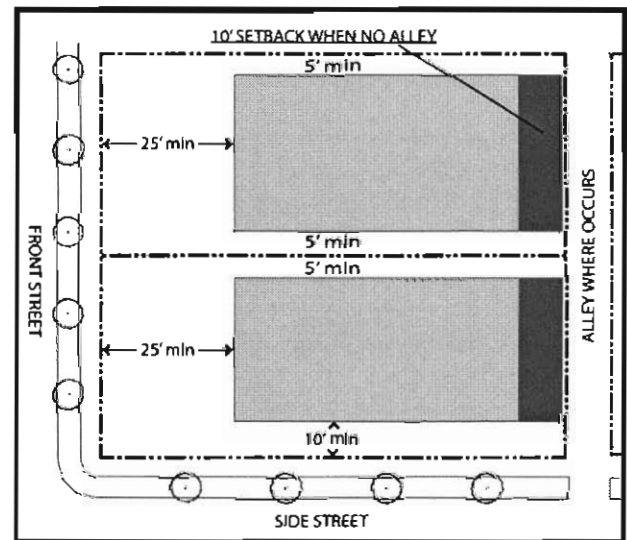


Figure 28.16 Setbacks for Garages & Carports when attached to DADU

4. Only one DADU shall be allowed per lot.
5. The DADU is exempt from density limitations.
6. At least one of the dwelling units must be owner-occupied.
7. Purchasers of homes with a DADU must register with the Department within 30 days of purchase. A covenant, approved by the Planning Director, must be signed and recorded which specifies this requirement and the requirement for purchaser registration. An affidavit must be submitted to the Department on or before January 1 of every odd numbered year attesting to owner occupancy.
8. The DADU may not be divided from the property ownership of the primary dwelling.
9. The parcel may not contain more than one primary dwelling.

10. A single family home and a DADU shall have a minimum of one water meter and may share a common side sewer line to the sewer main.

C. Bulk and Massing

1. The DADU is limited to 800 square feet or 40% of the primary structure, whichever is less.
2. A single floor area is limited to 500 square feet.
3. Maximum Floor Area Ratio (FAR) is 0.5 including the primary structure.
4. Height must be less than or equal to the primary structure, and no higher than 25 feet under height Definition #1.

D. Parking

1. One stall is required for the DADU.
2. If parcel abuts an alley, parking shall be accessed from the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.
3. Parking accessed from the public street or lane shall be limited to one driveway per street or lane with a maximum width of 20'.

E. Design Standards

1. The DADU shall have similar roof pitch, siding and windows as the primary structure, or have other similar features that satisfy the design guidelines.
2. It shall have an entrance with direct access to a public street, lane or alley via a pedestrian path or driveway.

F. Design Guidelines

1. Building Design

- a. Design the size and proportions of the new structure to give the appearance that it is secondary to the primary structure on the site.
- b. Incorporate desirable elements of the primary structure such as building details, massing, proportions and materials.
- c. Stagger windows to not align with windows on adjacent properties to minimize privacy impacts.
- d. Provide a small stoop or covered step associated with a separate entrance to the DADU.

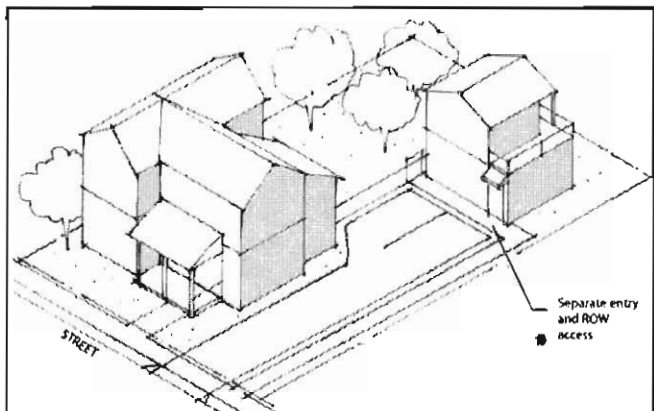


Figure 28.17 Annotated illustration of DADU

2. Site Design

- a. Both single-family residence and DADU entries should be oriented to the street.
- b. Buildings should respect adjacent properties by being located on their sites to minimize disruption of privacy and outdoor activities in adjacent buildings.

20.28.110 Duplex/Triplex

A. Description

A duplex/triplex is a single structure comprised of two or three dwelling units on a single lot, either side-by-side or on different floors.

B. Site Requirements and Setbacks

1. The required setbacks are as shown in Figures 28.18 and 28.19, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.

C. Bulk and Massing

1. Maximum Floor Area Ratio (FAR) is 0.5.
2. Maximum dwelling unit size is 1,000 square feet.
3. The height limit is 25 feet under Definition #1 or 15 feet under Definition #2.

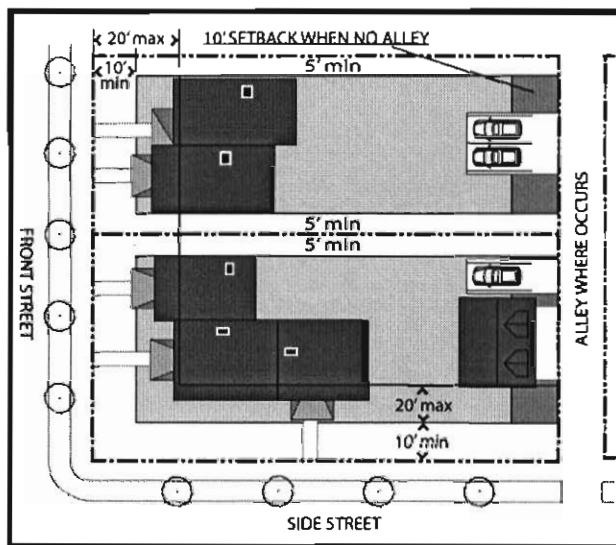


Figure 28.18 Setbacks – Main building

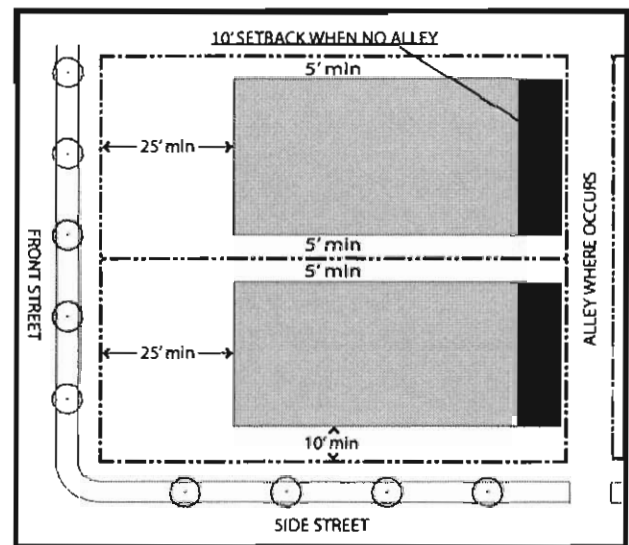


Figure 28.19 Setbacks – Garages & Carports

D. Open Space

4. Each dwelling unit shall have 75 square feet of private open space with no dimension less than 5 feet. It may be accommodated with a deck or porch.

5. No less than 40% of the site area shall be landscaping or pervious material (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the City.

E. Parking

1. Each dwelling unit shall provide at least one on-site parking stall. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.
2. Parking setbacks from property line:

Front:	25 feet
Side Street:	10 feet
3. If an alley exists, parking shall be accessed via the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.
4. Parking accessed from the public street or lane shall be limited to one driveway per street or lane with a maximum width of 20'.

F. Design Standards

1. At least one entrance must be visible from the public street.
2. Dwelling units that front the public street shall have entrances facing the public street.
3. All fences in the front and side street setbacks are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

G. Design Guidelines

A duplex/triplex should be designed as either a larger, single family composition or as distinct separate units.

1. Building Design

- a. The design should break the home's facades into several distinct elements.
- b. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- c. The massing should be varied with elements such as bays, dormers, etc.
- d. A change of materials, colors or textures on building elements is encouraged to provide further articulation and additional variety and craftsmanship.
- e. Buildings should minimize the impact of garages on the streetscape by utilizing garage doors with windows or other architectural features.

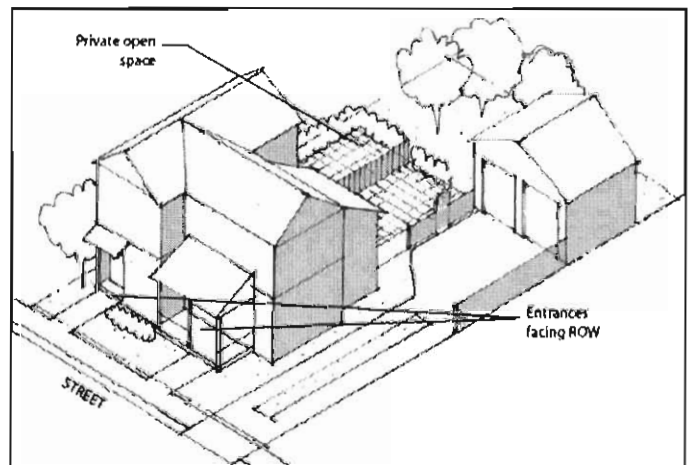


Figure 28.20 Annotated illustration of Duplex/Triplex

2. Site Design

- a. Front yard parking aprons are not allowed.
- b. Back yards should be designed for privacy from neighbors.

20.28.120 Shared Court

A. Description

A shared court is a multi-family development that shares a courtyard that also allows vehicular access to parking. The structure is arranged in a "U" shape around a central court. Design details, paving and landscape should create the impression of a small, intimate courtyard when viewed from the street.

B. Site Requirements and Setbacks

1. Shared Court units may be located on a separate (fee simple) lot or several units may be located on a common parcel.
2. The required setbacks are as shown in Figures 28.21 and 28.22, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.

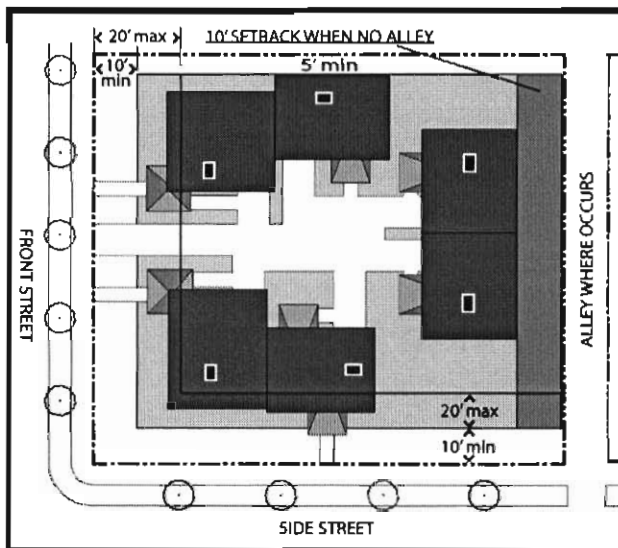


Figure 28.21. Setbacks – Main building(s)

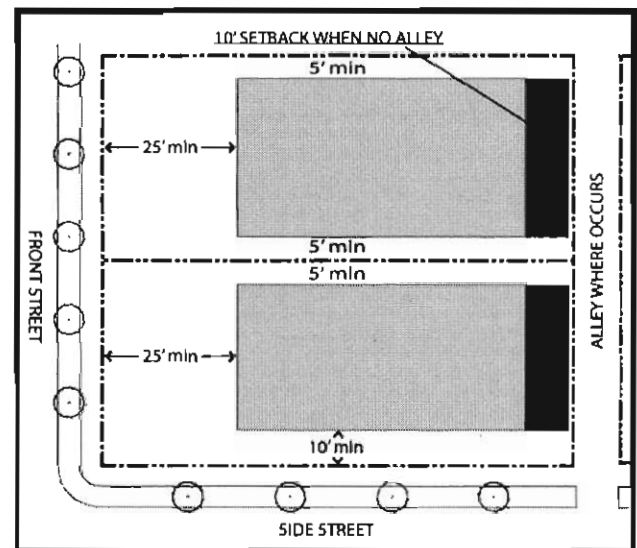


Figure 28.22. Setbacks – Garages & Carports

C. Bulk and Massing

1. There shall be a maximum of 6 dwelling units and a minimum of 4 dwelling units clustered around a shared court.
2. Maximum Floor Area Ratio (FAR) is 0.5. Projects meeting Green Factor requirements in section D.4. below may request additional FAR up to 0.7 with approval by the Planning Director.
3. The maximum dwelling unit size is 2,000 square feet.

4. No single floor area shall be larger than 1,000 square feet per dwelling unit.
5. The height limit is 25 feet under Definition #1 or 15 feet under Definition #2.

D. Open Space

1. Each dwelling unit shall have at least 150 square feet of private open space with no dimension less than 5 feet. Some or all of the requirement may be accommodated in a deck.
2. All private open space must be directly accessible from the dwelling unit and shall be separated from shared pathways, driveways, and other units.
3. No less than 40% of the site area shall be landscaping or pervious material (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the City.
4. Use of the Green Factor is strongly encouraged. When used as a FAR bonus option in Section C.2. above, a Green Factor landscaping score of 0.6 is required.

E. Parking

1. Dwelling units under 1,000 square feet shall provide at least one on-site parking stall. Units of 1,000 square feet or larger shall provide two on-site parking stalls. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.
2. Parking shall not be located between structures and a public street.
3. Parking accessed from a public street or lane shall be limited to driveway with a maximum width of 20'.

F. Design Standards

1. Each dwelling unit must have a separate, ground-related entrance. Units that front the public street shall have entrances facing the public street; all other units shall have entrances facing the shared open space.
2. No roof pitch shall be less than 2:12 (may be shed type) except for green roofs.
3. Each dwelling unit shall have a covered front porch no less than 50 SF with no dimension less than 5', this is in addition to the private open space requirement.
4. Garbage/recycling areas shall be consolidated and screened from public view.
5. All fences in the front and side street setbacks, or between the common areas and the dwelling units, are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

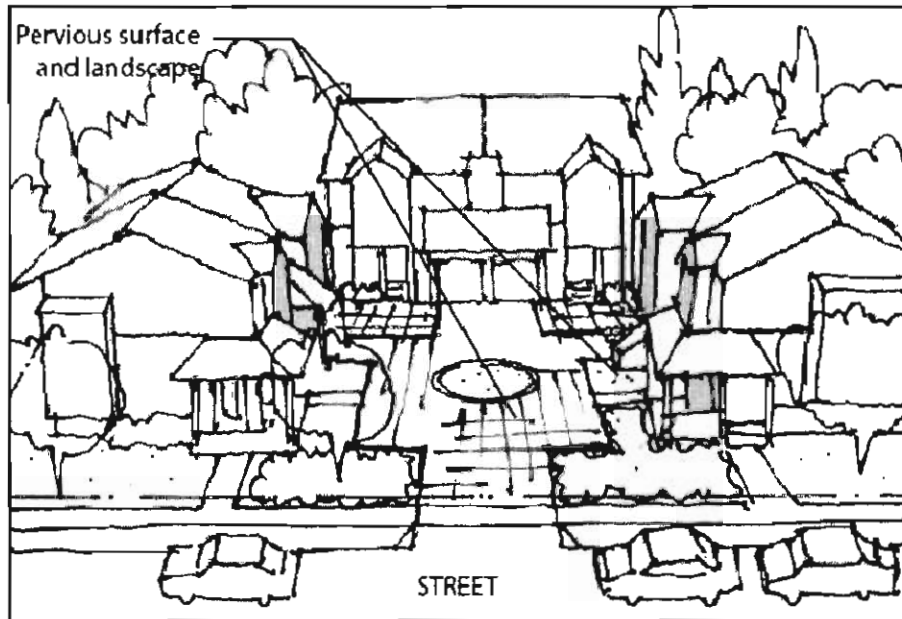


Figure 28.23 Annotated illustration of Shared Court

6. The following design standards shall be met to define the shared courtyard space, enhance the function as a shared, attractive, and usable open space, and unify site elements through the use of paving and landscape materials:
 - a. Provide clear direction to primary building entries and enhance circulation paths with trees, lighting, and plant materials.
 - b. At least 35 percent of the total shared court area shall be landscaped.
 - c. Poured surfaces (e.g., asphalt or concrete) may be used for vehicle treaded areas up to 10 feet in width but are not acceptable for area paving. The remaining unplanted areas shall be paved with unit pavers (e.g., brick, concrete, or tile) set or covered with gravel; OR Grasscrete is an acceptable paving option for all unplanted, shared court area.
 - d. The incorporation of courtyard amenities is required. Courtyard areas shall include at least two of the following elements:
 - (1) Benches, bench-type edges for planters
 - (2) Fountain or other water feature
 - (3) Ornamental shrubbery and landscape trees.

G. Design Guidelines

1. Site Design

- a. Provide for the functional and visual integration of buildings, vehicular access and parking, and the "outdoor room" function of the shared court.
- b. Define and contain the shared court space through a combination of building, landscape, and other site furnishings.
- c. Provide a walkway from each dwelling unit to the shared court and street.

2. Building Design

- a. The design should break the facades into several distinct elements.
- b. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- c. The massing should be varied with elements such as bays, dormers, etc.
- d. Changing materials, colors or textures on building elements is encouraged to provide further articulation and add variety and craftsmanship.
- e. Buildings should minimize the impact of garages on the streetscape by utilizing garage doors with windows or other architectural features.

20.28.130 Garden Court

A. Description

A garden court is a multi-family development that shares a landscaped courtyard. The structure is arranged in a "U" shape around the garden court with parking typically consolidated and located to the side or rear of the development.

B. Site Requirements and Setbacks

1. Garden Court units may be located on a separate (fee simple) lot or several units may be located on a common parcel.
2. The required setbacks are as shown in Figures 28.24 and 28.25, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.

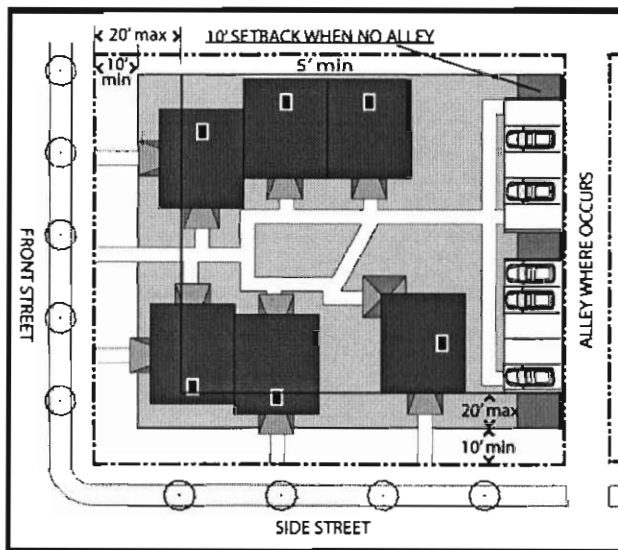


Figure 28.24 Setbacks – Main building(s)

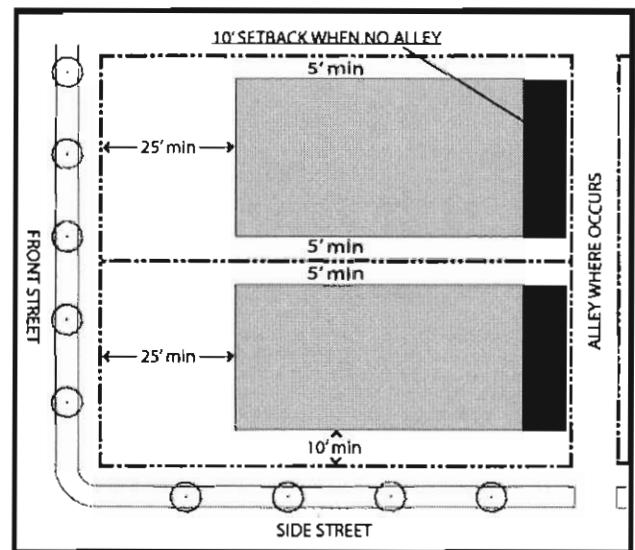


Figure 28.25 Setbacks – Garages & Carports

C. Bulk and Massing

1. There shall be a maximum of 8 dwelling units and a minimum of 4 dwelling units clustered around a shared open space.
2. Maximum Floor Area Ratio (FAR) is 0.6. Projects meeting Green Factor requirements in section D.4. below may request additional FAR up to 0.75 with approval by the Planning Director.
3. No dwelling units may be larger than 2,000 square feet.
4. The single floor area is limited to 1,000 square feet per dwelling unit.
5. The height limit is 25 feet under Definition #1 or 15 feet under Definition #2.

D. Open Space

1. Shared open space shall be provided in the amount of 200 square feet for each dwelling unit. It shall be consolidated, with a minimum average dimension of 20 feet.
2. Each dwelling unit shall have at least 100 square feet of private open space with no dimension less than 5 feet. Up to 50 square feet of deck space may be included.
3. Private open space must be separated from public rights of way, shared paths, shared open space, and lanes.
4. Use of the Green Factor is strongly encouraged. When used as a FAR bonus option in Section C.2. above, a Green Factor landscaping score of 0.6 is required.

E. Parking

1. Dwelling units under 1,000 square feet shall provide at least one on-site parking stall. Units of 1,000 square feet or larger shall provide two on-site parking stalls. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.
2. Parking generally shall be located to the rear or side only, but 20% of parking may be located between structures, but may not be located between structures and a public street.
3. Parking may be consolidated.
4. Parking accessed from a street or lane shall be limited to one driveway with a maximum width of 20'.

F. Design Standards

1. Each dwelling unit must have a separate, ground-related entrance. Units that front the public street shall have entrances facing the public street; all other units shall have entrances facing the shared open space.
2. Each dwelling unit shall have a covered front porch no less than 50 SF with no dimension less than 5', this is in addition to the private open space requirement.
3. Garbage/recycling areas shall be consolidated and screened from public view.
4. No roof pitch shall be less than 2:12 (may be shed type) except for green roofs.

5. All fences in the front and side street setbacks, or between the common areas and the dwelling units, are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.

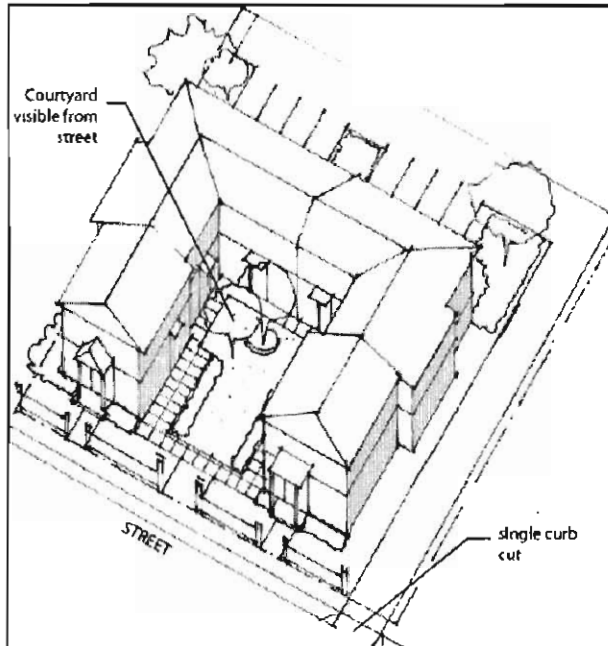


Figure 28.26 Annotated illustration of Garden Court

G. Design Guidelines

1. Site Design

- a. The courtyard should address the street, and be easily accessible from the street, with a spacious, clearly defined entry.
- b. At least a portion of the courtyard should be visible from the street. The courtyard is best located at street level, or a foot or two above or below the street.
- c. Create opportunities for exposure to, and shade from sun as well as weather protection.
- d. Define the garden court space through a combination of building, landscape, and other site furnishings.
- e. Provide a walkway from each dwelling unit to the garden court and street.

2. Building Design

- a. The design should break the facades into several distinct elements.
- b. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- c. The massing should be varied with elements such as bays, dormers, etc.
- d. Changing materials, colors or textures on building elements is encouraged to provide further articulation and add variety and craftsmanship.

20.28.140 Townhouse

A. Description

A townhouse is one of a row of homes sharing common walls, each with its own front and rear access to the outside.

B. Site Requirements and Setbacks

1. Townhouses may be located on a separate (fee simple) lot or several units may be located on a common parcel.
2. The required setbacks are as shown in Figures 28.27 and 28.28, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.

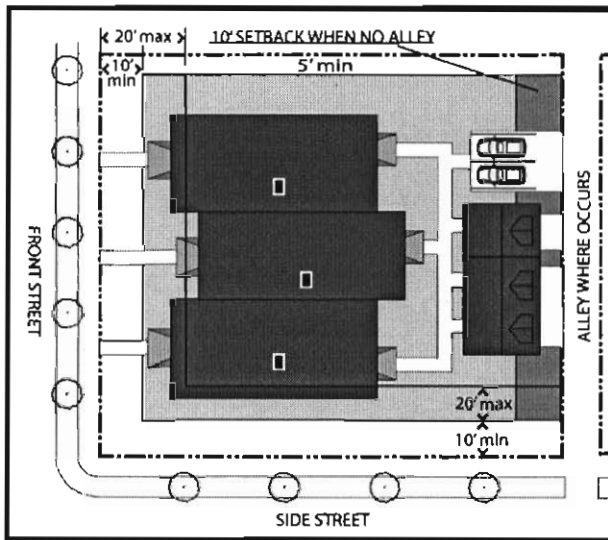


Figure 28.27 Setbacks – Main building(s)

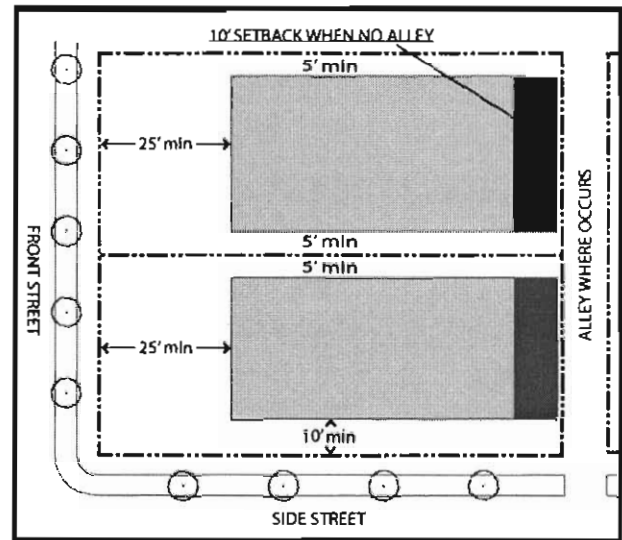


Figure 28.28 Setbacks – Garages & Carports

C. Bulk and Massing

1. Maximum attached dwelling units is 8.
2. Maximum Floor Area Ratio (FAR) is 0.75.
3. The height limit is 35 feet under Definition #1 or 20 feet under Definition #2.

D. Open Space

1. Each dwelling unit shall have 200 square feet of private open space with no dimension less than 5 feet. Up to 100 square feet of deck or structure may be included.
2. Private open space must be screened from public right of way, paths, and lanes.
3. Private open space must be directly accessible from the dwelling unit.
4. A Green Factor landscaping score of 0.6 is required (See BMC 20.12.030).

E. Parking

1. Dwelling units under 1,000 square feet shall provide at least one on-site parking stall. Units of 1,000 square feet or larger shall provide two on-site parking stalls. The Planning Director may reduce parking requirements based on applicant's demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9' X 18'.
2. Parking may be consolidated.
3. Parking accessed from a street or lane shall be limited to one driveway with a maximum width of 20'. Individual driveways may access a private lane.

F. Design Standards

1. Each townhouse unit shall front a street or lane, and have an entrance that faces a street or lane.
2. Entrances for each unit shall be separate.
3. Each unit shall have direct access to both the public street or lane and parking.
4. Each unit must have a covered, main entry-related porch or stoop area of at least 50 square feet with no dimension less than 5 feet.
5. Buildings must be modulated along the public street at least every 30 feet. Building modulations must step the building wall back or forward at least 4 feet.
6. All fences in the front and side street setbacks, or between the common areas and the units, are limited to 42 inches in height and may be no more than 60% opaque. Chain link or cyclone fencing is not allowed in the front or side street setback.
7. Garbage/recycling areas shall be consolidated and screened from public view.

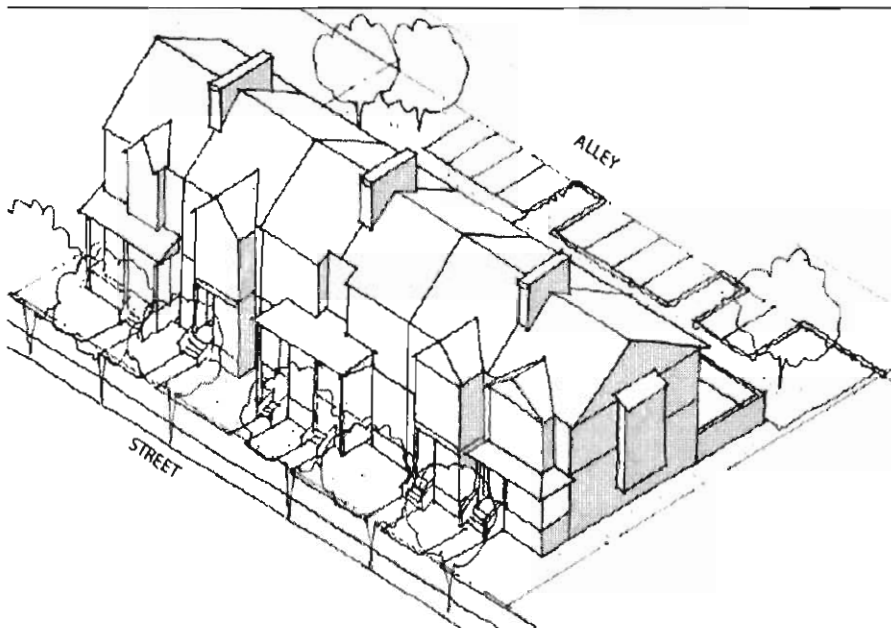


Figure 28.29 Annotated illustration of Townhouse

G. Design Guidelines

1. Building Design

- a.** Reduce the potential impact of new townhouse development on established and historic neighborhoods by incorporating elements and forms from nearby buildings of character. This may include reference to architectural details, building massing, proportionality, and use of high-integrity materials such as wood, brick, and stone. References to period architecture can be made in a contemporary manner.
- b.** Use lines and rhythms to create a human scale streetscape. These may include vertical and horizontal patterns as expressed by bays, belt lines, doors and windows.

2. Site Design

- a.** Front yard parking aprons are not allowed.
- b.** Provide generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design.