

ORDINANCE #___1525_____

AN ORDINANCE ADOPTING COTTAGE HOUSING DEVELOPMENT APPROVAL AND DESIGN STANDARDS AS WELL AS RELATED AMENDMENTS TO 14.09 AND 18.12 FOR THE CITY OF FERNDALE.

WHEREAS, the development of a cottage housing ordinance is a planning priority; and

WHEREAS, the fourth goal of the Washington State's Growth Management Act, is to "encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock," which the cottage housing ordinance accomplishes; and

WHEREAS, on April 15, 2009, the Ferndale Planning Commission held a public hearing on the proposed annexation code update and recommended approval;

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

Section 1: The following shall be adopted as section 18.30 COTTAGE HOUSING DEVELOPMENT APPROVAL AND DESIGN STANDARDS as well as related amendments to 14.09 and 18.12 of the Ferndale Municipal Code.

**Chapter 18.30
COTTAGE HOUSING DEVELOPMENT APPROVAL AND DESIGN STANDARDS**

Sections:

[18.30.010](#) Purpose and intent.

- [18.30.020](#) Applicability, application process, and design review.
- [18.30.030](#) Density, number of cottage housing units and minimum lot area.
- [18.30.040](#) Existing nonconforming structures.
- [18.30.050](#) Building height.
- [18.30.060](#) Exterior trim and roof eaves.
- [18.30.070](#) Covered main entry porches.
- [18.30.080](#) Street facing facades.
- [18.30.090](#) Lot coverage area.
- [18.30.100](#) Impervious surface area.
- [18.30.110](#) Floor area.
- [18.30.120](#) Setbacks.
- [18.30.130](#) Common space.
- 18.30.140 Covenants, Conditions and Restrictions.
- [18.30.150](#) Private open space.
- [18.30.160](#) Tree conservation.
- [18.30.170](#) Stormwater low impact development techniques.
- [18.30.180](#) Off-street parking.
- [18.30.190](#) Exterior lighting and heating/cooling equipment noise.

18.30.010 Purpose and intent.

The general purpose of the Cottage Housing Development (CHD) design standards is as follows:

A cottage housing development is an alternative type of detached housing providing small residences for households of typically one to two individuals without undergoing the subdivision process. Cottage housing is provided as part of the City's overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

The cottage housing development design standards are intended to maintain traditional cottage amenities and proportions and ensure that

cottage housing developments contribute to the overall community character.

In addition, cottage housing developments must reflect each of the following elements:

- A. Density and lot size. Cottage housing allows higher residential density than is normally allowed in the underlying zone district. This increased density is possible through the use of smaller than average home sizes, clustered parking, and site design standards. The cottage housing development design standards contained in this section are intended to create a small community of cottages oriented around open space.
- B. Building height and roof eaves. Because the base density is higher and building separation less than on typical residential lots, it is important to maintain a feeling of adequate light and open space by providing more restrictive maximum roof heights and roof proportion standards. Roofs in cottage housing developments shall have eaves to efficiently shed rain, and provide rain protection for exterior walls. Alternative exterior trim and eave designs shall demonstrate a coherent cottage housing design based upon traditional design principles including weather protection.
- C. Cottage entrances and street facing facades. A covered main entry porch is required for each cottage to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. The street facing facades of cottages in a cottage housing development shall contribute to the neighborhood by including attractive design details such as windows, changes in materials and/or colors, and views of front doors or porches.
- D. Open space. It is intended that the common open space be adequately sized and centrally located with individual cottage entrances oriented towards the open space. All cottages shall be connected to the open space; the intent is that the cottage housing developments include pedestrian amenities and take advantage of

existing natural features on the site including topography, vegetation and trails. Any common building is intended to be centralized and for the use for the cottage housing community. The private open space shall separate the main entrance to the cottage from the common open space to create a sense of privacy and shall be oriented to take advantage of solar orientation and other natural features to create a small but pleasant private yard area.

- E. Stormwater. All cottage housing developments are subject to current City stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.
- F. Parking. All cottage housing developments must be designed so as to minimize the visibility of off-street parking from the primary street. Off-street parking shall be pedestrian oriented, and large parking lots shall be avoided or mitigated through landscaping or other means.

18.30.020 Applicability, application process, and design review.

Applicability of this section, application procedure and the process for design review is pursuant to Chapter [14.09](#) FMC.

It is possible that an alternative design may fulfill the intent of this chapter while not complying with the provisions herein. Applicants shall propose developments with a clear narrative and illustrations to demonstrate the manner in which the design meets the intent of this chapter.

All subsections of this section shall apply to both cottage and carriage units, unless specifically called out.

18.30.030 Density, number of cottage housing units and minimum lot area.

A. In cottage housing developments the permitted densities shall be as follows:

Zoning District	RS 8.5 Medium Density	RS 6.5 High Density
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	Residential	Residential
Maximum Cottage Density	1 cottage dwelling unit per 4250 gross square footage	1 cottage dwelling unit per 3250 gross square footage
Minimum number of cottages per CHD	4	4
Maximum number of cottages per CHD	12 14*	14 16*
Minimum lot size (accommodates 4 cottages)	17,000 sf	13,000 sf

*A higher maximum number of cottages is allowed as incentive to include a “community building” in the CHD

B. Projects that are proposed in the RS 10.5 zone or exceed the maximum provisions of 18.30.030(A) must be processed as Planned Unit Developments (PUDs) per Chapter [18.68](#) FMC, while still maintaining the intent of this chapter. The minimum lot size for a cottage housing development through a PUD in the RS 10.5 zone shall be 21,000 square feet (accommodating 4 cottages at a density of 1 cottage dwelling unit/5,250 square feet). Cottage housing developments developed through a PUD that exceed the maximum provisions of 18.30.030(A) in the RS 8.5 or RS 6.5 zones shall retain the minimum lot sizes and densities of the developments processed administratively through this chapter.

18.30.040 Existing nonconforming structures.

A. On a lot to be used for a cottage housing development, an existing detached single-family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

B. Accessory dwelling units (ADUs) are not permitted in cottage housing developments. All residential units in a cottage housing development count towards the maximum permitted density.

18.30.050 Building height.

Structures in cottage housing developments shall be constructed with a pitched roof.

1. The maximum building height permitted for structures in cottage housing developments shall be 18 feet, as measured to the mid-point of the highest gable, from the average finished grade.

2. The highest point of a pitched roof may extend up to 24 feet.

18.30.060 Exterior trim and roof eaves.

Cottage housing development structures shall be provided with substantial exterior trim elements consistent with traditional northwest cottage design. Roofs in cottage housing developments shall have eaves to recognize traditional northwest cottage design traits to efficiently shed rain, and provide rain protection for exterior walls. Alternative exterior trim and eave designs shall demonstrate a coherent cottage housing design based upon traditional design principles including weather protection.

1. Window and door trim with a minimum width of three and one-half inches shall be provided on all cottage housing developments structures.

2. Eaves of at least 12 inches shall be provided on all cottage structures on at least two sides of each building. Where buildings are not square (one set of exterior parallel walls are longer than the other), the eaves shall be provided on the parallel walls that are the longest.

18.30.070 Covered main entry porches.

All residences in cottage housing developments shall be provided with a covered main entry porch. Covered porches shall be usable both in design and dimension. Unless it is heated, the covered main entry porch shall/shall not count against the total square foot area of the cottage house.

1. Cottage homes shall have a covered main entry porch with a floor area measuring at least 60 square feet in size.

2. The floor of the covered main entry porch shall have minimum dimensions of not less than five feet in any direction (length or width).

18.30.080 Street facing facades.

The main entries of some cottages will be visible from the adjacent streets to provide a visual pedestrian connection with the surrounding neighborhood.

1. Although not all cottages shall be required to orient their front porches to the street, all cottages shall have street facing facades that avoid blank walls or appear to “turn their backs” to the street. All cottages shall include one or more of the following on-street facing facades:

- a. Changes in exterior siding material and paint color;
- b. Windows which may include bay windows; and/or
- c. Building modulation with a depth measuring at least one foot.

18.30.090 Lot coverage area.

Cottage housing developments shall not exceed underlying lot coverage standards for the respective zoning district, in order to maintain residential neighborhood character and the balance of built structures to open spaces.

18.30.100 Impervious surface area.

Cottage housing developments shall limit impervious surface area to prevent adverse stormwater impacts.

1. Cottage housing developments shall be limited to an impervious surface area of 40 percent of the total site area (excluding rights-of-way).

2. The use of paver stones, pervious pavement, grass-crete, or other types of low impact stormwater development techniques are encouraged for walkways and parking areas, subject to the approval of the Public Works Director.

18.30.110 Floor area.

A. Cottage housing. Residences in cottage housing developments are primarily intended for smaller family units and their occasional guests. The establishment of a maximum square footage for residences within cottage housing developments is necessary to prevent overbuilding of the site and to avoid exceeding available parking.

1. The ground floor area for an individual principal structure (this includes all habitable space and does not include attached covered parking or front porches) in a cottage housing development shall be as follows:

a. For at least 50 percent of the units, the ground floor area may not exceed 650 square feet and shall be at least 450 square feet.

b. For no more than 50 percent of the units, the ground floor area may be up to 800 square feet and shall be at least 450 square feet.

c. The net total floor area of each cottage shall not exceed two times the area of the main level or 1,200 square feet, whichever is less.

d. A cottage may include an attached garage not to exceed 250 square feet.

B. Carriage units. The floor area of each carriage unit shall not exceed 800 square feet and shall be at least 450 square feet.

18.30.120 Setbacks.

A. Exterior lot line setbacks. Exterior lot line (also known as “frontage street”) setbacks in cottage housing developments are generally based upon setbacks in the RS zoning district. Flexible setbacks are allowed per the discretion of the Community Development and Public Works directors to obtain improved site design and to avoid impacting existing physical features on the site such as trees.

1. Front Yard Building Setback. The minimum “front yard” setback of any structure from the exterior road right-of-way shall be 20 feet. The exterior street side yard setback on corner lots shall be 12 feet.

2. Rear Yard Building Setback. The minimum rear yard shall be eight (8) feet, unless abutting an alley, then the minimum setback shall be five (5) feet.

3. Side Yard Building Setback. The minimum rear yard shall be eight (8) feet, unless abutting an alley, then the minimum setback shall be five feet.

B. Interior setbacks. The minimum setback between units within a cottage housing development shall be ten (10) feet, measured from the nearest point of the exterior walls. Accessory buildings shall comply with building code requirements for separation from non-cottage structures.

18.30.130 Common Space.

A. Common Open space. Common open space that is commonly owned by all members of a cottage housing development is an important feature of any site design.

1. Common Open Space. Minimum requirements for Common Open Space shall be calculated as follows: Total number of units x 400 square feet. Parking areas, yard setbacks, spaces between buildings of 10 feet or less in width, private open space, and driveways do not qualify as common open space.

2. Proximity to Common Open Space.

a. At least 50 percent of the cottage units shall abut a common open space, and all cottage units shall be within 60 feet walking distance to the nearest point of the common open space, as measured from the nearest entrance of the cottage along the shortest safe walking route. The common open space shall have cottages abutting at least two sides.

b. All cottage houses shall be connected to the common space by pedestrian walkways. Such individual walks shall have minimum width of three feet and shall be constructed of asphalt or concrete.

c. For the purposes of cottage housing, "common open space" shall be the central space that may be used by all occupants of the CHD. Such requirement shall be reflected in the private Covenants, Codes, and Restrictions to be reviewed by the City and filed with the Whatcom County Auditor (FMC 18.30.140).

B. Common Building. A common building is a structure that is commonly owned by all members of a CHD and is conveniently located within the development. Examples of a common building include: storage building, recreation building, and meeting hall. As an incentive to include

a common building, a development with a common building may increase its maximum number of cottages by two, although the increase in cottages is not required.

1. Floor area of common building. Floor area of the common building shall not be less than the average of the dwelling units.

2. Common building design. Design of common building shall be consistent with that of the CHD.

3. The area reserved for the common building may be included in calculations for Common Space, pursuant to the requirements of A(1) of this section.

18.30.140 Covenants, Conditions and Restrictions.

Covenants, Conditions, and Restrictions (CC&R's) shall be approved by the City prior to approval of the CHD. The CC&R's shall identify responsibilities for protection, preservation, and maintenance of the common space and building(s), water detention and treatment facilities, drainage infrastructure, and other common, non-public infrastructure of the project. Any required repair, maintenance, or restoration associated with common areas shall be the responsibility of the Homeowner's Association.

The CC&R's shall contain specific language insuring annual inspection and certification to the city by a registered engineer of the adequacy of the storm water treatment and conveyance systems. Following approval by the City, the CC&R's shall be recorded with the Whatcom County Auditor.

18.30.150 Private open space.

Each residential unit in a cottage housing development shall be provided an area of private open space. The private open space may be separated from the common open space with a small hedge, picket fence, or other similar visual separation to create a sense of separate ownership.

1. Each cottage unit shall be provided with a minimum of 200 square feet of usable private open space separated from the common open

space by a hedge or fence not to exceed two (2) feet and six (6) inches in height.

2. No dimension of the private open space shall be less than eight (8) feet.

3. Private open space shall be calculated separately from the Common Open Space described in FMC 18.30.130.

18.30.160 Tree conservation.

Cottage housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space and private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of cottage housing developments.

18.30.170 Stormwater low impact development techniques.

Cottage housing developments shall be designed to take advantage of open space and landscaped features to utilize stormwater low impact development techniques including natural filtration and on-site infiltration of stormwater.

1. Low impact development techniques for stormwater management shall be used wherever possible. Such techniques may include the use of pervious pavers in parking areas and for walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and the use of rain barrels.

18.30.180 Parking.

Parking space requirements for cottage housing developments shall be the same as normally required for detached single-family residences (FMC 18.76). One space shall be attached to the dwelling and covered, via a garage or carport. Parking shall be located and designed to be less visible from frontage streets than the cottages themselves. Parking shall be designed to maintain a pedestrian character for the overall cottage housing development. Clustering unattached parking to the side or rear of a cottage project will often best accomplish these goals. However, on a

site-specific basis, design solutions other than clustering may be found to meet this objective through the alternative design process. Parking areas shall be attractively landscaped to screen parking from adjacent properties and street rights-of-way and shall meet applicable parking lot landscape standards.

1. Parking Requirements.

Type of dwelling unit	Off-street parking spaces required	Maximum area of covered parking (single car garage or carport)
Cottage or Carriage	1 space attached, covered 1 space detached <u>2</u> <u>parking spaces total</u>	270 sf
Existing single-family residence	2 parking spaces	N/A

2. Parking Lot Landscaping. Parking lot landscaping shall comply with the requirements of FMC [18.74](#).

3. Common Walk System. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet, and be constructed of asphalt or concrete.

18.30.190 Exterior lighting and heating/cooling equipment noise.

Cottage housing developments should be designed to minimize light and noise impacts both within the development and to adjacent properties.

1. Lighting shall be designed to produce a minimum of one-tenth footcandle throughout the CHD. Potentially hazardous locations, such as street intersections and steps and stepped ramps, shall be individually illuminated with a minimum of three-tenths footcandle.

2. Where provided, exterior lighting shall be mounted as low as possible, pointed downward, and the light source shall be shielded from direct observation from above, adjacent properties, and public rights-of-way. Lighting “spillover” to adjacent properties shall be avoided.

3. Heating (and cooling, if applicable) equipment for cottage housing developments shall be designed to cause little or no noise impacts within the development and to adjacent properties. To help prevent noise problems, heat pumps shall not be used for cottage housing developments. Exterior heating and cooling equipment shall be incorporated into the architectural design of the development, or shielded from view by vegetative screening.

Section 2: This ordinance shall become effective on the sixth day after publication, or after the state agency 60-day review time period, whichever is greater, as set forth by state law.

Approved by the City Council and signed by the Mayor this 18th day of May, 2009.

Gary Jensen, Mayor

ATTEST:

Linda Knutson, City Clerk

, 2009: Publication Date
Ferndale Record Journal

Chapter 14.09 REVIEW AND APPROVAL PROCESSES

Sections:

- [14.09.010](#) Purpose.
- [14.09.020](#) Review and approval processes.
- [14.09.030](#) Process 1 – Administrative decision.
- [14.09.040](#) Process 2 – Decision by Hearings Examiner.
- [14.09.050](#) Process 3A – Decision by City Council with Hearings Examiner recommendation.
- [14.09.060](#) Process 3B – Decision by City Council without Hearings Examiner recommendation.
- [14.09.070](#) Process 4 – Decision by City Council with Planning Commission recommendation.

14.09.030 Process 1 – Administrative decision.

A. Certain types of land use/development applications may be reviewed and approved, approved with conditions, or denied administratively by authorized City officials without notice to the public.

Process 1 applications approved by the Planning Director include:

1. Building permits, and extension of time for building permit applications and permits.
2. Short subdivision exemption determination pursuant to FMC

[17.12.010.](#)

3. Short plats.
4. Binding site plans.
5. Cottage Housing Developments.
6. Lot line adjustments.
7. Flood hazard certificates.
8. Critical area review.
9. Minor home occupation permit per FMC [18.12.150](#).
10. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: (a) overall project character, (b) increase the number of lots, dwelling units, or density or (c) decrease in the quality or amount of open space.

Process 1 applications approved by the Public Works Director include:

11. Land disturbance permits, and extension of time for land disturbance permits.

12. Encroachment permits to authorize work within public rights-of-way.

B. The steps in Process 1 include:

1. Submittal of complete land use/development application.
2. If applicable, issuance of determination of complete application.
3. If applicable, issuance of notice of application.

The following definitions are proposed to be added into the existing chapter in alphabetical order.

**Chapter 18.08
DEFINITIONS**

18.08.030 “C” definitions.

“Carriage unit” means a single family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure. Carriage units are allowed only when included in a cottage project.

“Cottage house” means a detached, single family dwelling unit containing 1,200 square feet or less of gross floor area (referred to as “postage stamp condominium” in the PUD ordinance, FMC 18.68.030(G)).