

# Middle Housing Model Ordinances

Technical Committee Meeting #5

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Implementation of RCW 36.70A.636(2)(a)

DECEMBER 14, 2023



Washington State  
Department of  
**Commerce**

# Thank you!

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Commerce and the consultant team thank you all for your time and contribution serving on this Committee.

# Public Comments

Public comment period: November 6, 2023 December 6, 2023



# Who Commented

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450 comments received

- Mostly individuals, including architects, builders, students
- Local governments
- Organizations (e.g. Futurewise, Sightline, BIAW, AWC, nonprofit housing organizations)

# Popular Topics

Word/phrase	Comments
Floor Area Ratio	424
Tree(s)	191
Coverage	183
Aesthetic	167
Setbacks	157
Parking	103
Seattle	89
Affordable	84
Appraisal	45
Spokane	35
Articulation	28



Word cloud of comments received by 12/5/23

# Public Comment Themes

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- Floor Area Ratio (FAR) standards affect financial feasibility and limit potential for middle housing to serve larger families/households. Comments to increase the FAR limit (to at least 1.5) or remove FAR limits altogether.
- Aesthetic design standards place an undue burden on builders, add costs, and stifle housing supply goals. Many comments that design standards should be deleted in their entirety, many comments requested deleting the unit articulation section. There are limited comments on the other design standards.
- Some comments for increased lot coverage, reduce setbacks or increased height, often as an alternative to using FAR.
- Model Ordinance does not adequately protect urban tree canopy
- Frequent comments to reduce or remove minimum parking requirements
- Impact of HB 1110 on appraisal industry business practices

# Comment Themes from Cities

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- Clarify HB 1110 requirements from voluntary provisions
- Reformat some language to be in a more typical “code style”
- Clarify unit density, ADU integration, and unit lot subdivisions
- Offer flexible definitions of housing types
- Delete or revise certain dimensional standards and design standards
- Additional guidance needed for affordable housing, infrastructure planning, critical areas and Comprehensive Planning

# Breakout Groups

What updates are needed to the Model Ordinance in response to public comments?





# Model Code Revisions

Organization & Format



# Section Re-Ordering and Renaming

Public Draft		Proposed Update
1 – Purpose		1 – Purpose
2 – Definitions		2 – General Provisions
3 – General Provisions		3 – Definitions
4 – Applicability		4 – Applicability
5 – Middle Housing Types Allowed		5 – Unit Density <del>and Affordable Housing</del>
6 – Unit Density and Affordable Housing		6 – Middle Housing Types <del>Allowed</del>
7 – Parking Standards		7 – <del>Zoning</del> Dimensional Standards
8 – Zoning Dimensional Standards		8 – Design Standards
9 – Design Standards		9 – Parking Standards
10 – Subdivision		10 – Subdivision
11 – Infrastructure Standards		11 – Infrastructure Standards

# Clarify the Model Ordinance's Mandatory and Optional Standards

Type of Text in the Model Ordinance	Cities Adopt HB 1110-Compliant Regulations	Cities Using Model Ordinance (City has not adopted regulations to implement HB 1110 by compliance deadline)
<b>Bold Text</b>	<b>Mandatory</b>	<b>Mandatory</b>
Non-Bold Text	Optional*	Mandatory**

\* Cities may choose to adopt some, none, or all of the optional code provisions.

\*\* Optional model code provisions become mandatory for a city *only if* it does not adopt HB 1110 regulations by its statutory deadline. They remain in effect until such time the city adopts its own HB 1110 regulations.

# Model Code Revisions

Definitions



# Definitions Under Review

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- Tier 1, Tier 2, and Tier 3 cities
- “All lots zoned predominantly for residential use”
- “Duplex”, “triplex”, “fourplex”, “fiveplex”, and “sixplex”
- Further guidance for local discretion on how to define “townhouses” and “courtyard apartments”
- “Unit lot subdivision”, “unit lot”, and “parent lot”
- “Development regulations” (currently undefined in Model Ordinance, but defined by GMA)

# Model Code Revisions

Setbacks



# Setbacks - Public Comments

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- Many comments refer to a need for smaller setbacks and/or cite Spokane as an example
- Some public comments and nonprofit organizations suggest specific smaller setbacks (e.g. a progressive approach for front, side, and rear down to 5' front setback for six units)
- Comments from city officials largely focused on use of the word “principal” building and the zero feet side setback for attached units

# Setbacks (Draft Model Ordinance Requirements)

Minimum principal building setbacks from property lines for middle housing greater than the following are **invalid**:

Setback	Tier 1 & 2 Cities	Tier 3 Cities
Street or front	15 feet, except 10 feet for lots with a unit density of three or more	20 feet
Garage door (where facing the front of the lot)	20 feet	
Side street	5 feet	
Side interior	5 feet, and 0 feet for attached units	
Rear, without an alley	15 feet, except 10 feet for lots with a unit density of three or more	20 feet
Rear alley	5 feet	



# Setbacks (Preliminary Response)

Minimum ~~principal building~~ setbacks from property lines for middle housing buildings greater than the following are **invalid**:

Setback	Tier 1 & 2 Cities	Tier 3 Cities
Street or front	15 feet, except 10 feet for lots with a unit density of three or more	20 feet
Garage door (where facing the front of the lot)	20 feet	
Side street	5 feet	
Side interior	5 feet, and 0 feet for attached units <u>internal to the development</u>	
Rear, without an alley	15 feet, except 10 feet for lots with a unit density of three or more	20 feet
Rear alley	5 feet, <u>and [3 feet or 0 feet] for garages facing the alley</u>	

# Model Code Revisions

Floor Area Ratio



# Public Comment - Floor Area Ratio

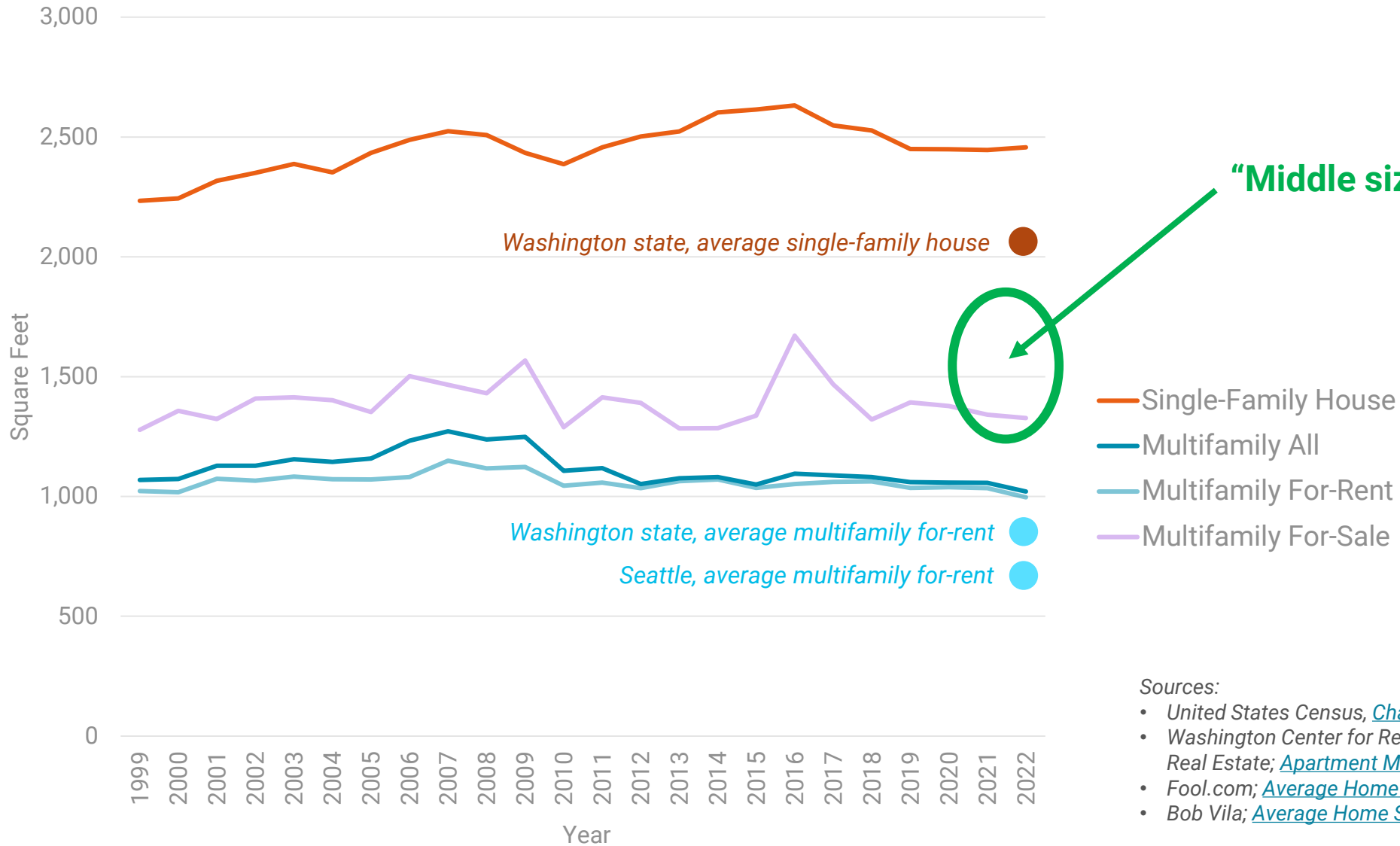
Numerous public comments:

- Most said increase FAR, especially at the higher unit counts to accommodate larger units, especially for families
- Many also said eliminate FAR altogether (including most non-profit organizations)

# Why Use Floor Area Ratio?

1. When used as a progressive standard, it is a tool to incentivize more middle housing production
2. A good tool to regulate massing proportional to the lot size on small lots

# Average Square Feet of Floor Area in New Homes Completed 1999-2022 in the Western United States



**“Middle size” housing?**

Sources:

- United States Census, [Characteristics of New Housing](#)
- Washington Center for Real Estate Research, Runstad Department of Real Estate; [Apartment Market Report Q3 2023](#)
- Fool.com; [Average Home Size by State](#)
- Bob Vila; [Average Home Size in Every State](#)

# Middle Housing Size Limits Elsewhere

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**Spokane:** FAR not directly regulated. But, for lots 7,000 SF or less, a building footprint allowance of 2,450 SF for primary units + up to 1,100 for ADU's at applicable height limits (2-4 stories) equates to the following FARs:

- 2.20 FAR on a 5,000 SF lot
- 1.95 FAR on a 6,000 SF lot
- 1.75 FAR on a 7,000 SF lot

**Oregon Middle Housing Large City Model Code:** 1.1 FAR on a 3,000 to 5,000 SF lot with up to 4 units (proportionally, this would be 1.65 FAR for 6 units)

**Kirkland:** Allows up to four units on SF lots, but includes FAR maximums generally between 0.5 - 0.6.

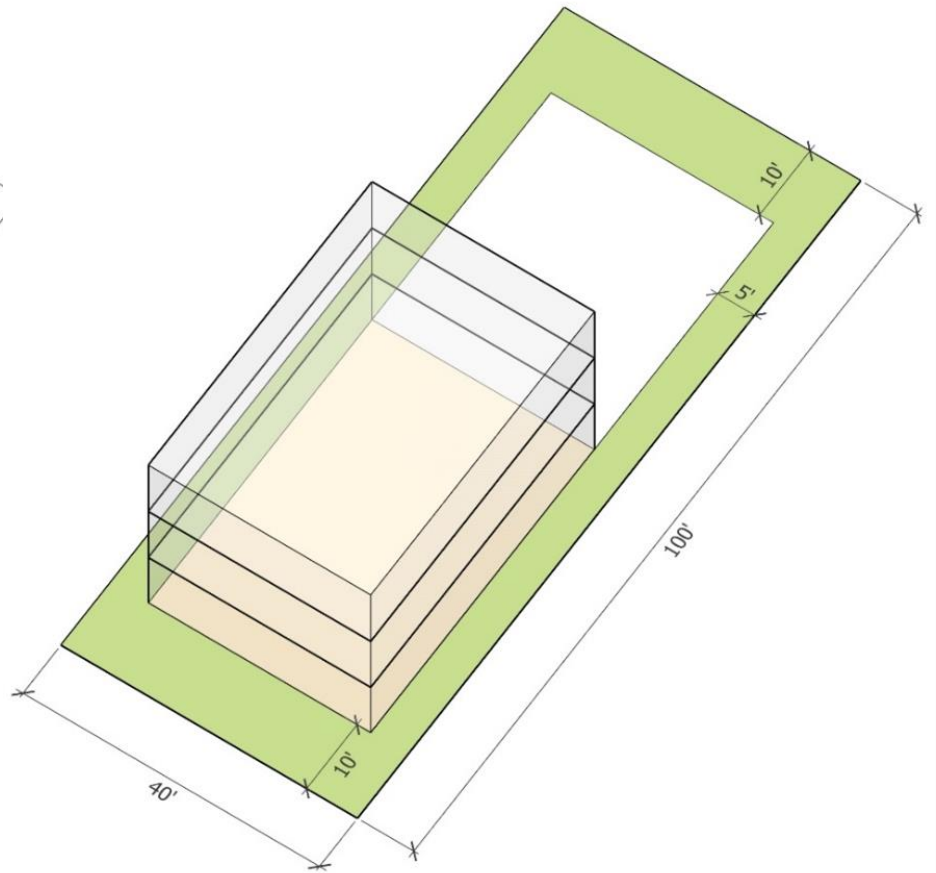
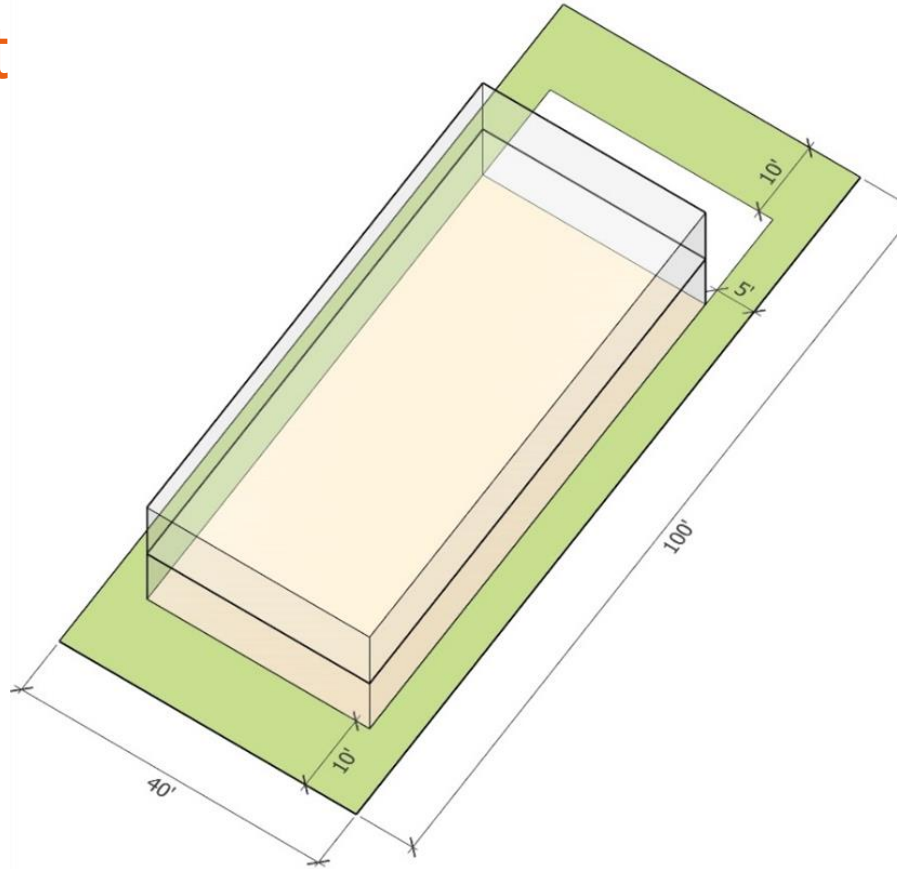
# Preliminary Response for Maximum FAR

Model FAR Code Limits Needed to Support Family-Sized Units on 5,000 Square Foot Lots				
Units	Current Model Code FAR Limit	Average 1,200 SF Units	Average 1,300 SF Units	Average 1,400 SF Units
1 unit	None	0.5	0.5	0.6
2 units	0.6	0.6	0.7	0.8
3 units	0.8	0.8	0.9	1.0
4 units	0.8	1.0	1.1	1.2
5 units	1.0	1.2	1.3	1.4
6 units	1.0	1.4	1.5	1.6

Recommended

# 1.0 FAR Examples - For Reference

4,000 SF lot





# Model Code Revisions

Lot Coverage



# Public Comment - Lot Coverage

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- Many comments suggest using lot coverage instead of FAR
- Some comments suggest increasing lot coverage limits to maximize building size to accommodate more units and/or family size units, and some nonprofit organizations suggest specific standards of 50-70%
- One city noted that their lot coverage standard was tied to stormwater modeling
- One city suggested allowing 50% lot coverage for three- and four-units

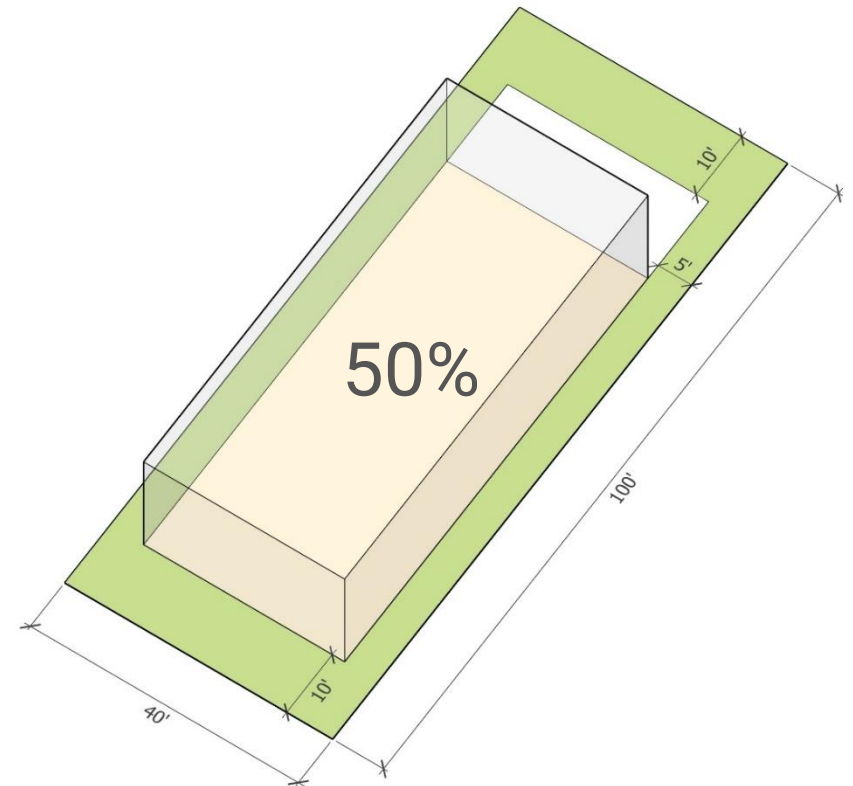
# Lot Coverage: Preliminary Response

## Public draft

Unit Density	Tier 1 & 2 Cities	Tier 3 Cities
1-4	45%	40%
5-6	50%	40%

## Preliminary response

Unit Density	Tier 1 & 2 Cities	Tier 3 Cities
1-3	45%	40%
4-5	50%	40%
6	55%	40%



# Model Code Revisions

Design Standards



# Public Comments - Design Standards

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- Many comments on design standards
- Mostly suggest deleting design standards saying they add cost, can add permit review time, or may be subjective
  - Most didn't reference specific standards, except calling out the articulation standards
  - Most responders appeared to have read an article critical of the standards, notably articulation provisions, in *The Urbanist*
- Officials with some larger cities raised more concerns about employing design standards, while smaller cities generally liked them

# Reiterating Design Standards Approach

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- The definition of “middle housing” in RCW 36.70A.030 describes it as “...buildings that are **compatible in scale, form, and character with single-family houses...**”.
- RCW 36.70A.635(6)(a) provides an opportunity to use **administrative design review** and apply **objective design standards** for middle housing to address compatibility with single-family houses.
- The public draft includes simple objective standards that address a handful of topics

# Design Standards: Preliminary Response to Public Comments

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Retain design standards in general, but hear from Committee regarding:

- Any specific concerns or suggestions
- Thoughts on standards related to what approach best fits in their own community
- See content and discussion on following slides

# Public Comments - Façade Transparency

- Few comments, but some noted concern about the effects on design creativity
- One city comment opposed

## Preliminary Response:

- No change. This is a key standard to promote compatibility with neighborhood form and eyes on the street for a safe and welcoming streetscape.
- Consider exempting flag lots and lots accessed by a shared private drive
- Potentially provide related information about Washington's energy code



- Area subject to facade transparency requirement
- ▨ Qualifying window coverage
- ▩ Qualifying door coverage



# Public Comments - Articulation

- Where mentioned, public comments are nearly universally opposed to these standards
- Limited comments get into specifics other than disliking prescriptive dimensional standards of elements.

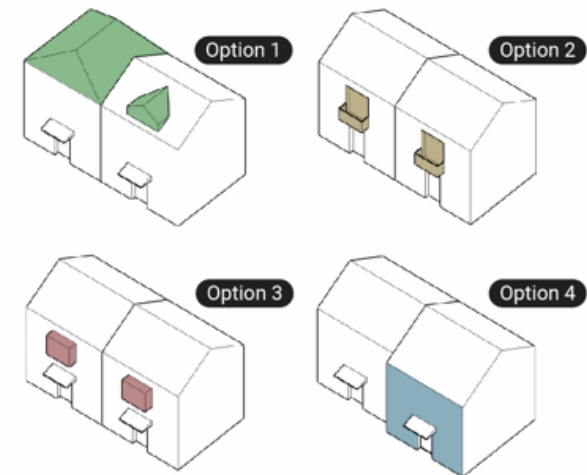
## Preliminary Response:

- Retain standards. These are very basic, flexible standards. Many cities will opt to go farther than while some have stated they won't provide such standards.
- Add a fifth option which expands upon the existing "entry" requirement
- Emphasize additional options and approaches in the User Guide

**F. Unit articulation.** Each attached unit featuring a separate ground level entrance in a multi-unit building facing the street shall include at least one of the following. Facades separated from the street by a dwelling are exempt from this standard.

1. Roofline change or a roof dormer with a minimum of four feet in width.
2. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room.
3. A bay window that extends from the facade a minimum of two feet.
4. An offset of the facade of a minimum of two feet in depth from the neighboring unit.

**5. A roofed porch at least 50 square feet in size.**

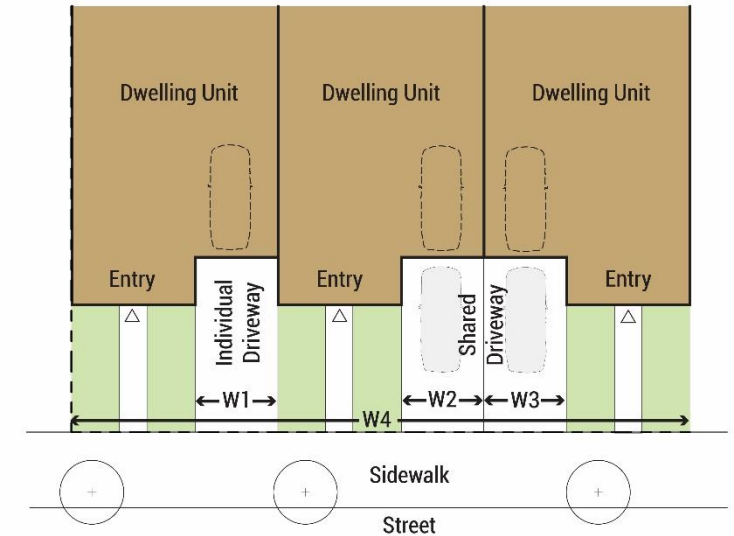


# Public Comments - Driveway Standards

- Very few public comments on driveways
- Two comments from cities concerned about how the standards may not work for unusually shaped lots and steep topography

## Preliminary Response:

- Retain the driveway standards. This is a key standard to promote compatibility in form with single-family uses.
- Suggest exempting flag lots and lots accessed by a shared private drive
- Consider an exemption to alley-access requirements for challenging topography (note that the requirement already only applies to “improved” alleys)

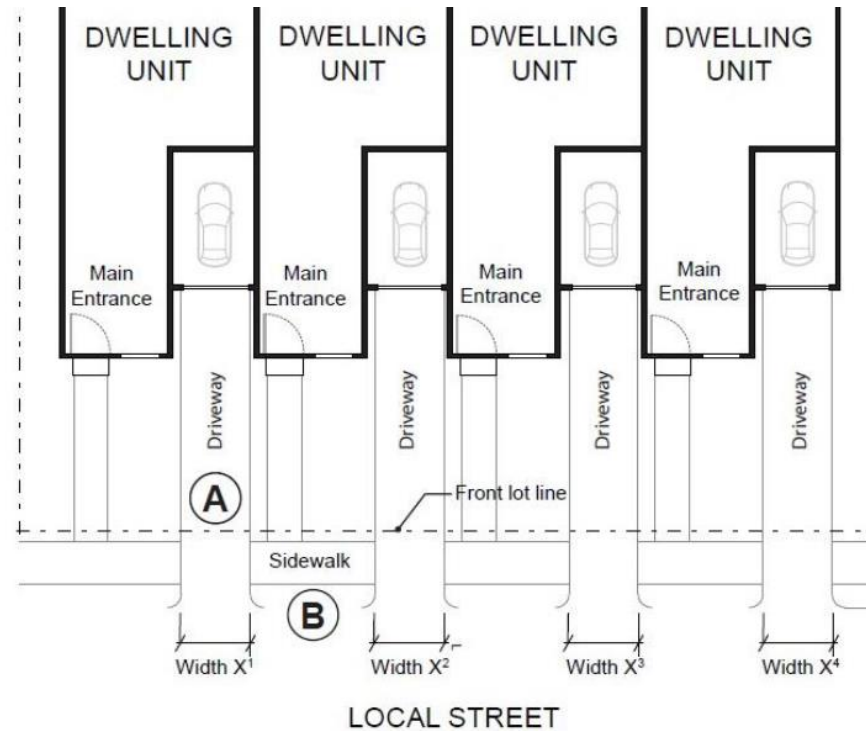


$\frac{(W1+W2+W3)}{W4}$  must be no more than 60%  
 $(W1+W2+W3)$  must not exceed 32 feet per frontage  
W1 shall not exceed 20 feet

# Driveway Standards - Reference



Up to 60% of the lot's street frontage



**A**  $X^1 + X^2 + X^3 + X^4$  must not exceed 32 feet per frontage,

*Example supporting graphic from Oregon middle housing model code*

# Public Comments - Tree Standards

- Many public comments seeking stronger standards for tree retention and planting
- Some comments that cottage housing and courtyard apartment standards too prescriptive
- Cities had little or no comment on tree standards

## Preliminary Response:

- Remove tree planting standards for cottage housing and courtyard housing, and retain the general requirement that tree standards cannot be more restrictive for middle housing than for detached single-family residences.
- Note in the User Guide that cottage/courtyard types provide unique opportunities for plantings.

### I. Trees.

1. The city shall not require through development regulations any tree ~~planning, planting, maintenance, retention, and preservation~~ standards for middle housing that are more restrictive than ~~tree standards required~~ for detached single-family residences, ~~except as provided in this Model Ordinance.~~
2. ~~Common open space for cottage housing and courtyard apartments shall include at least one new tree per 1,000 square feet of common open space. Required trees shall meet the following standards at the time of planting:~~
  - a. ~~Deciduous trees shall be fully branched, have a minimum caliper of one and one-half inches (as measured six inches above the root ball), and a minimum height of six feet at the time of planting.~~
  - b. ~~Evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.~~
  - c. ~~All required trees shall be in-ground, except when in raised planters. Trees shall be installed to current nursery industry standards. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the tree can support itself. Trees shall be protected by fencing until they are mature enough to withstand typical wildlife activity.~~

# Other Design Standards

- Few or no public comments on standards for entries and pedestrian access
- At least three cities concerned that the cottage housing and courtyard apartments standards go too far beyond what is required of conventional building types or limit design creativity, with some pointing out the porch provision specifically

## Preliminary Response:

- Consider reducing or remove the porch requirement for cottages

### G. Cottage housing.

1. Cottage size. Cottages shall each have no more than 1,600 square feet of net floor area, excluding attached garages.
2. Common open space.
  - a. At least one outdoor common open space is required.
  - b. Common open space shall be a minimum 20 percent of the lot size with a minimum dimension of 15 feet on any side.
  - c. Common open space shall be bordered by cottages on at least two sides.
  - d. Parking areas and vehicular areas do not qualify as a common open space.
3. Entries. All cottages shall feature a roofed porch at least 70 square feet in size with a minimum dimension of seven feet on any side facing the street and/or common open space.
4. Community building.
  - a. A cottage housing development may contain one community building.
  - b. A community building shall have no more than 2,400 square feet of net floor area, excluding attached garages.
  - c. A community building shall have no minimum vehicle parking requirements.

### H. Courtyard apartments.

1. Common open space.
  - a. At least one outdoor common open space is required.

# Model Code Revisions

Parking



# Public Comments - Maximum Parking

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- Public draft:
  - Repeats state law requirements for the maximum parking that cities can require for middle housing; 1-2 spaces depending on lot size above or below 6,000 square feet
  - User Guide lists a number of best practices and even suggests not requiring parking
- **Preliminary Response:** Incorporate lower parking standards directly into the Model Ordinances
  - 1 parking space required per unit (regardless of lot size)
  - 0.5 parking spaces required per unit when the unit is 1,000 square feet or less
  - No parking spaces required for affordable units
  - No parking spaces required within ½ mile of a major transit stop (HB 1110 requirement)

# Model Code Revisions

Subdivisions





# Public Comments - Unit Lot Subdivisions

- Requests for clarification on how this type of subdivision works
- One city points out that detached ADUs are not appropriate for this type of subdivision

## Preliminary Response:

- Remove ADUs from applicability – but consider how to handle ADUs above a detached garage whether individual or shared
- Clarify that individual units cannot be subdivided further

## 2.10 – Subdivision

### Model Ordinance Text

- A. Generally. Regulations for subdivisions, short subdivisions, binding site plans, and planned unit developments shall not be more restrictive for middle housing than for detached single-family residences.
- B. Unit lot subdivisions. A lot may be divided into separately owned unit lots, provided the following standards are met.<sup>50</sup>
1. Approval Process. Unit lot subdivisions follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.
  2. Applicability. Sites to be developed with middle housing, ~~detached accessory dwelling units,~~ and multiple detached single-family residences on a lot in which no dwelling units are stacked on another dwelling unit may be subdivided into individual unit lots as provided herein.
  3. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable unit density and zoning dimensional standards.
  4. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Unit lots cannot be subdivided.
  5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access

# User Guide Revisions

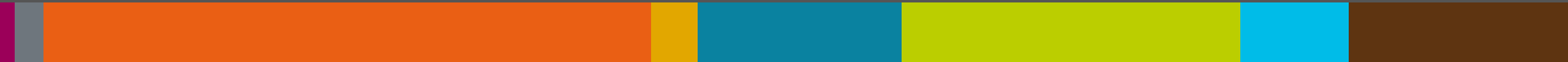


# User Guide Updates

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- More guidance on how cities may adopt variations for local definitions
- More guidance to be written for design standards and examples
- Cities want more guidance on buildable lands analysis and Comprehensive Plan density designations
- Cities want more guidance on affordable housing, especially regarding administration and homeownership

# Next Steps



Technical committee meeting

Other stakeholder meeting

Public webinar

Draft document

Final document

Virtual open-house

2023

2024

AUG

SEP

OCT

NOV

DEC

JAN

FEB-JUN

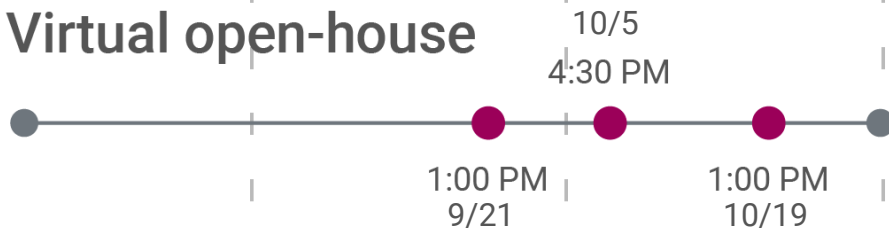
### Product development



### Public engagement



### Virtual open-house



# Project Schedule

# Next Steps

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- **Public Engagement Report**
- **Final Model Ordinances and User Guide publication by:**  
Wednesday, January 23, 2024
- Post Final Model Ordinances and User Guide publication
  - Through June 30, 2024 - consultant team available for implementation support activities
  - Ongoing Commerce technical assistance

# Thank you!

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