

Residential Development Standards – Comparison Table—UPDATED 8/21/17

The following table is intended to summarize the changes to the current rules for residential development. The proposed changes are generally organized by subject area, and are listed in the order they appear in the draft code.

This document is a high level summary of the proposed changes to the regulations in a “before and after” format. The changes to the rules are sometimes complex and this table does not capture every nuance of the amendments. To see all of the proposed amendments, please review the August 16, 2017 draft regulations available on the City website. **Changes made to this chart after initial publication on 8/16/17 are shown in yellow (changes made on 8/17/17) and green (changes made on 8 21/17). Underlined text has been added, crossed-out text has been deleted.**

Current Rule (As of 8/7/2017)	Proposed Change (Council Review through 8/7/2017)
<p>1. Noise:</p> <ul style="list-style-type: none"> • Rule focuses on construction related noise. • Rule does not distinguish between permitted and unpermitted work. • Noise is allowed from 7AM to 10PM, Monday through Friday • Noise is allowed from 9AM to 10PM, Saturday, Sunday and holidays 	<p>Noise:</p> <ul style="list-style-type: none"> • Rule focuses on construction related noise. • Rule distinguishes between permitted and unpermitted work. • For work authorized under a permit, noise is limited to: <ul style="list-style-type: none"> ○ 7AM to 7PM, Monday through Friday ○ 9AM to 6PM, Saturdays ○ Noise is prohibited on Sundays and holidays • For work that does not require a permit, noise is limited to: <ul style="list-style-type: none"> ○ 7AM to 8PM, Monday through Friday ○ 9AM to 8PM, Saturday, Sunday and holidays
<p>2. Building Permit:</p> <ul style="list-style-type: none"> • Building permit may be renewed up to one year after expiration • Building permit expiration date could be modified by building official upon request. 	<p>Building Permit:</p> <ul style="list-style-type: none"> • Building permit renewal must be requested prior to expiration • Residential building permit expiration dates are two years after date of issuance of the permit. • Request for renewal must be accompanied by a construction schedule and management plan • Clarify basis for building official to not authorize a renewal • Larger projects (e.g. >6,000 square feet of floor area) require a construction management plan and a construction schedule.
<p>3. Minimum Lot Area:</p> <ul style="list-style-type: none"> • Minimum lot area is based upon the gross area of the resulting lot(s). 	<p>Minimum Lot Area:</p>

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<p>4. Side Yard Setback:</p> <ul style="list-style-type: none"> Total combined width of all side yard setbacks has to equal 15 feet or more. Minimum individual side yard setback width of 5 feet. 	<ul style="list-style-type: none"> Minimum lot area is based upon the net lot area of the resulting lot(s). Net lot area is generally the gross lot area, less areas used for vehicle access easements. <p>Side Yard Setback:</p> <ul style="list-style-type: none"> Total combined width of all side yard setbacks has to equal 15 feet or 17% of the width of the lot, whichever is more. The minimum side yard setback width is 33% of the total combined width of the side yards. Where single family homes will have a wall with a height of more than 15 feet located next to the side yard setback line, the minimum side yard setback width is increased to 7.5 feet. Where single family homes will have a wall with a height of more than 25 feet <u>next to the side yard setback line</u>, the minimum side yard setback width is increased to 10 feet.
<p>5. Gross Floor Area:</p> <ul style="list-style-type: none"> The gross floor area cannot exceed 45 percent of the lot area. The basement exclusion of gross floor area (an exemption from gross floor area) is based upon the existing grade pre-building. 	<p>Gross Floor Area:</p> <ul style="list-style-type: none"> The gross floor area cannot exceed the lesser of: <ul style="list-style-type: none"> R-8.4 zone – 5,000 square feet or 40% of the lot area R-9.6 zone – 8,000 square feet or 40% of the lot area <u>R-8.4 R-12</u> zone – 10,000 square feet or 40% of the lot area <u>R-8.4 R-15</u> zone – 12,000 square feet or 40% of the lot area The basement exclusion of gross floor area is based on the lower of the existing grade (pre-building) or finished grade (post-building). The gross floor area is modified by 150% or 200%, based upon ceiling heights within the proposed house. The gross floor area <u>on a site with an accessory dwelling unit (ADU)</u> may be increased by the lesser of: 5% of the lot area, or <u>900 square feet the actual size of a proposed accessory dwelling unit</u> (NOTE: The current maximum size allowed for an ADU of 900 square feet is not changing.)

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		<ul style="list-style-type: none"> For lots with an area of less than 7,500 square feet, allow for a minimum GFA of 3,000 square feet, provided the allowed GFA cannot exceed 45% of the lot area.
6.	Building Height: <ul style="list-style-type: none"> Building height is limited to 30 feet Maximum height of the downslope façade is 35 feet from the existing grade The average building elevation (calculation that represents the ground level of the lot) is based upon the pre-existing site grade 	Building Height: <ul style="list-style-type: none"> Building height is limited to 30 feet Maximum height of the downslope façade is 35 30 feet from the existing or finished grade, whichever is less The average building elevation is based upon the lower of the existing grade (pre-building) or finished grade (post-building)
7.	Lot Coverage: <ul style="list-style-type: none"> Limits impervious surface to between 40% and 20% of the lot area (based upon lot slope). Exemptions for impervious decks, pavers, patios, walkways, rockeries, etc. Allowed a lot coverage deviation to increase impervious surface areas by up to 5% of the lot area. 	Lot Coverage: <ul style="list-style-type: none"> Limit lot coverage (buildings and driveways) to between 40% and 20% of the net lot area (based upon slope). Allow up to 9% of the net lot area to be used for hardscape surfaces (e.g. deck, patios, etc). Allow a 5% increase in lot coverage for single story homes and to accommodate homes on sites that require a long driveway. Eliminate lot coverage deviations. The hardscape for lots with an area of 8,400 square feet or less may be the lesser of 800 square feet or 12 percent of the net lot area.
8.	Single Family Home Parking <ul style="list-style-type: none"> Require three parking spaces, two of which have to be covered 	Single Family Home Parking <ul style="list-style-type: none"> For lots with an area of more than 7,500 square feet, a new home of 3,000 square feet or more of gross floor area, require three parking spaces, two of which have to be covered. For lots with an area of 7,500 square feet or less, a new home of less than 3,000 square feet of gross floor area, require two parking spaces, one of which has to be covered.
9.	New Construction on Large Lots (lots that can be subdivided): <ul style="list-style-type: none"> No requirement to address subdivision or short subdivision design requirements 	New Construction on Large Lots (lots that can be subdivided): <ul style="list-style-type: none"> Require that new single family homes on lots that are large enough to be subdivided comply with one of the following: <ul style="list-style-type: none"> Design the house and site design to comply with subdivision standards; Complete the subdivision approval process; or,

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	<ul style="list-style-type: none"> ○ Agree not to subdivide the large lot for 5 years following the construction of the new home
<p>10. Detached, Accessory Buildings & Structures:</p> <ul style="list-style-type: none"> ● Detached, accessory buildings and structures (such as detached garages, pergolas, etc.) are generally regulated by the same setbacks, lot coverage limits, gross floor area, and height limits as the main building (house). 	<p>Detached, Accessory Buildings & Structures:</p> <ul style="list-style-type: none"> ● Detached, accessory buildings and structures are limited to a maximum height of 17 feet (formerly 30 feet). ● Detached accessory buildings cannot exceed 25% of the allowed gross floor area on the site (formerly no limit)
<p>11. Fences:</p> <ul style="list-style-type: none"> ● Fence height along property lines next to a street is limited to 42 inches. For corner lots, this included fences on any side of the lot that abutted a street. ● Allowed a fence height deviation to increase fence heights from 42 inches to 72 inches. 	<p>Fences:</p> <ul style="list-style-type: none"> ● Fence heights are limited to 42 inches within required front yards. For corner lots, this only includes fences within the front yard; not side yards abutting a street. ● Allow a fence of 72 inches along portions of Island Crest Way and SE 40th Street, subject to additional design requirements. ● Eliminate fence height deviations.
<p>12. Building Pad:</p> <ul style="list-style-type: none"> ● Designated as part of a subdivision process. ● Building pads were generally established by taking into account critical areas, trees, and setbacks. 	<p>Building Pad:</p> <ul style="list-style-type: none"> ● Designated as part of a subdivision process or at time of building permit (if not previously established) ● Clarified standards for establishing building pads. Building pad location is still based upon the location of critical areas, trees, and setbacks. ● Clarified that buildings must be placed within identified building pad.
<p>13. Trees – Overview Section:</p> <ul style="list-style-type: none"> ● No current overview section 	<p>Trees – Overview Section:</p> <ul style="list-style-type: none"> ● Added summary overview section intended to provide clarification.
<p>14. Trees – Permit Requirement:</p> <ul style="list-style-type: none"> ● Permit required if: <ul style="list-style-type: none"> ○ Tree removal is part of construction work ○ Tree removal is in critical tree area ○ Tree removal is in a commercial zone ● Permit not required for: <ul style="list-style-type: none"> ○ Tree removal outside a critical tree area ○ Pruning ○ Removal of small trees 	<p>Trees – Permit Requirement:</p> <ul style="list-style-type: none"> ● Permit required to remove any tree unless specifically exempted. ● Imminently hazardous trees may be removed first, followed by a permit application. ● Exempt from permit if: <ul style="list-style-type: none"> ○ Tree is smaller than 10 inches and is not an exceptional tree or a previously required replacement tree. ○ Noxious or invasive plants.

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		<ul style="list-style-type: none"> ○ Pruning
15. Trees – Removal Not Associated with Development:	<ul style="list-style-type: none"> • No tree permit required 	Trees – Removal Not Associated with Development: <ul style="list-style-type: none"> • Tree permit required unless exempt • Tree replacement is required.
16. Trees – Removal Associated with Development:	<ul style="list-style-type: none"> • Tree permit required. • Require property owner to use reasonable best efforts to retain trees. • Replace trees at a ratio of between 0:1 and 4:1. 	Trees – Removal Associated with Development: <ul style="list-style-type: none"> • Tree permit required. • Tree retention: <ul style="list-style-type: none"> ○ Retain a minimum of 30% of the trees on site over a rolling 5-year period. ○ New construction must be designed to minimize tree removal ○ Prioritize retention of trees based upon size and expected likelihood of longevity post development. ○ Require retention of exceptional trees, unless doing so would prohibit construction of 25% 75% of the allowed gross floor area or creation of a lot. • Replace trees at a ratio of between 2:1 and 6:1 <ul style="list-style-type: none"> ○ Allow for a fee-in-lieu of replanting
17. Tree Protection Standards:	<ul style="list-style-type: none"> • A plan for protecting trees is required. 	Tree Protection Standards: <ul style="list-style-type: none"> • Clarify that the protection standards shall be based upon best management practices established by the International Society of Arborists.
18. Trees - Removal on Public Property:	<ul style="list-style-type: none"> • Private property owners cannot remove trees in public right-of-way (streets). 	Trees - Removal on Public Property: <ul style="list-style-type: none"> • Allow limited tree removal of trees in streets to provide for access to private property
19. Variances:	<ul style="list-style-type: none"> • Criteria for approving variances in several different chapters of Title 19 MICC. 	Variance: <ul style="list-style-type: none"> • Consolidated criteria for approving variances into Chapter 19.15 MICC (Administration). • Added criteria: <ul style="list-style-type: none"> ○ Variance is the minimum necessary to grant relief to applicant. ○ Failure to grant the variance would create an unnecessary hardship to the property owner.

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<p>20. Setback Deviations:</p> <ul style="list-style-type: none"> Criteria for approving variances in several different chapters of Title 19 MICC. 	<ul style="list-style-type: none"> The basis for requesting the variance is not the direct result of actions by the property owner. <p>Setback Deviations:</p> <ul style="list-style-type: none"> Consolidated criteria for approving variances into Chapter 19.15 MICC (Administration). Clarified that the basis for requesting the deviation cannot be the direct result of actions by the property owner.
<p>21. Code Interpretations:</p> <ul style="list-style-type: none"> Code official authorized to issue an interpretation based upon a request or as deemed necessary. 	<p>Code Interpretations:</p> <ul style="list-style-type: none"> Code official authorized to issue an interpretation based upon a request or as deemed necessary. Clarified that the code interpretation is based upon a consideration of: <ul style="list-style-type: none"> The plain language of the code; The purpose / intent sections of the chapter; Legislative intent provided by the Council; Policy direction in the MI Comprehensive Plan; Case law; Consistency with other applicable regulations; The expected result; and, Past practice. Provided for the appeal of code interpretation as part of an appeal of a land use application that relied on the code interpretation.