

Ordinance No. 17C-15 – Residential Standards

This document provides a detailed summary of the changes to the regulations for reference.

1. Gross Floor Area. MICC 19.02.020(D)

- a. Amount allowed
 - i. R-8.4: 5,000 square feet or 40% of the lot area, whichever is less.
 - ii. R-9.6: 8,000 square feet or 40% of the lot area, whichever is less.
 - iii. R-12: 10,000 square feet or 40% of the lot area, whichever is less.
 - iv. R-15: 12,000 square feet or 40% of the lot area, whichever is less.
- b. GFA Modifiers
 - i. 150% of the floor area of that portion of a room(s) with a ceiling height of 12 feet to 16 feet
 - ii. 200% of the floor area of that portion of a room(s) with a ceiling height of more than 16 feet
 - iii. GFA for staircases – the first 2 stories equals one floor area for GFA.
 - iv. GFA for staircases - for each additional story above 2 stories, the stair case shall count as a single floor area.
 - v. Basement exclusion is based on the lower of the existing grade (pre-building) or finished grade (post-building)
- c. Increases to GFA.
 - i. GFA for lots with an area of 7,500 square feet or less, may be the lesser of 3,000 square feet or 45 percent of the lot area.
 - ii. GFA on a site with an ADU may be increased by the lesser of: 5% of the lot area, or the actual size of a proposed accessory dwelling unit. Total GFA cannot exceed 4,500 sqft or 45% GFA.

2. Lot Coverage limits. MICC 19.02.020(F)

- a. Not impervious surface.
- b. No deviations.
- c. Standard.

Lot Slope	Maximum Lot Coverage (house, driving surfaces, and accessory buildings)	Required Landscaping Area
Less than 15%	40%	60%
15% to less than 30%	35%	65%
30% to 50%	30%	70%
Greater than 50% slope	20%	80%

- d. Softscape and hardscape.
 - i. Allowed hardscape = 9% of the lot area.
 - ii. Hardscape = the solid, hard, elements or structures that are incorporated into landscaping. Materials that include, but are not limited to wood, stone, concrete, gravel, and permeable pavements or pavers, and similar materials.

- iii. Softscape = the living or unhardened elements that are incorporated into landscaping. The softscape generally includes plants, flower beds, tree retention areas, etc.
 - e. Allowances.
 - i. One time only.
 - ii. Maximum of 5% increased lot coverage for allowances.
 - iii. A single-story single family dwelling with a wheelchair accessible entry path.
 - iv. Flag lot with a required driveway that uses more than 25% of the allowed lot coverage.
 - v. Notice on title will be required.
 - f. Invasive / Noxious weeds.
 - i. New single family homes shall remove Japanese Knotweed, and regulated Class A, B, and C weeds on the King County Noxious Weed list.
 - ii. New landscaping for single family homes shall not incorporate plants on the King County Noxious Weed list.
- 3. Setbacks. MICC 19.02.020(C)(1)(c)**
- a. Side yard.
 - i. Cumulative width of 15 feet or 17% of the width of the lot, whichever is more
 - ii. Minimum side yard setback is 5 feet or 33% of cumulative width, whichever is more
 - iii. Where 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.
 - iv. Where a wall with a height of more than 25 feet next to the side yard setback line, the minimum side yard setback width is increased to 10 feet.
 - b. Intrusion into side yard.
 - i. Building elements can extend into most setbacks (same as before)
 - ii. Cannot extend into minimum side yard setback
 - c. Setback deviations.
 - i. Still exist. Only available if needed to avoid critical areas.
- 4. Building Height. MICC 19.02.020(E)**
- a. Building height is limited to 30 feet
 - b. Max. height of the downslope façade is 30 feet from the existing or finished grade, whichever is less
 - c. The average building elevation is based upon the lower of the existing grade or finished grade
- 5. Tree code. MICC 19.10**
- a. Permit required.
 - i. Permit required to remove any tree unless specifically exempted.
 - ii. Imminently hazardous trees may be removed first, followed by a permit application.
 - b. Permit exempt if:
 - i. Tree is smaller than 10 inches and is not an exceptional tree or a previously required replacement tree.
 - ii. Noxious or invasive plants.
 - iii. Pruning
 - c. Tree removal not for development.
 - i. Tree replacement is required.
 - ii. No required retention.
 - d. Tree retention for development.

- i. Retain 30% (AT LEAST) of the trees on site over a rolling 5-year period.
 - ii. Compliance required – development that cannot meet standard cannot proceed.
 - iii. New construction must be designed to minimize tree removal
 - iv. Prioritize retention of trees based upon size and expected likelihood of longevity post development.
 - v. Require retention of exceptional trees over 24 inches, unless doing so would prohibit construction of 85% of the allowed gross floor area or creation of a lot.
- e. Tree replacement
- i. Replacement ratio.

Diameter of removed tree	Number of replacement trees required
Less than 10 inches	1
10 inches up to 24 inches	2
24 inches up to 36 inches	3
More than 36 inches and any exceptional tree(s)	6

- ii. Replacement size:
 - 1. Coniferous trees shall be at least 6 feet tall;
 - 2. Deciduous trees shall be at least 1.5 inches in caliper
 - iii. Fee in lieu. Based on cost of replacement tree. Basis for cost: *Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.*
- f. Tree application and plan information
- i. Much more specified
- g. Tree removal in ROW and Parks.
- i. No removal in parks.
 - ii. Allow limited tree removal of trees in streets to provide for access to private property
- 6. Detached accessory buildings and structures. MICC 19.02.040(C)**
- a. Maximum height of 17 feet.
 - b. Cannot exceed 25% of the allowed gross floor area on the site
 - c. Exceptions for buildings that are also used as an ADU
- 7. Building pad. MICC 19.02.020(J)**
- a. Designated at subdivision or at time of building permit
 - b. Building pad location based on:
 - i. Cannot remove trees identified for retention under tree code
 - ii. Minimize disturbance of slopes
 - iii. Minimize impacts to critical areas
 - iv. Outside setbacks and wetlands / watercourse / buffers
 - v. Allowed in geohazard areas
 - c. Clarified that buildings must be placed within identified building pad.
- 8. Rockery / retaining walls. MICC 19.02.050(D)(4)**
- a. For fill slopes, no rockery / wall shall increase the finished grade by more than 72 inches at any point.
- 9. Noise. MICC 8.24.020 (Q)**
- a. For work that requires a permit.
 - i. 7AM to 7PM, Monday through Friday

- ii. 9AM to 6PM, Saturdays
- iii. Noise is prohibited on Sundays and holidays
- b. For works that does not require a permit.
 - i. 7am to 8pm on Mondays through Fridays
 - ii. 9am and 8pm on Saturdays, Sundays, and legal holidays

10. RESIDENTIAL building permit review / process changes.

- a. Lots in a subdivision. Ord. 17C-15
 - i. SFR permits have to be for lots that currently exist (no proposed in subdivision)
 - ii. SFR permits should reflect the lot as it presently exists (not as it would be after subdivision)
- b. Permit. MICC 17.14.010 (105.5)
 - i. Building permit renewal must be requested prior to expiration
 - ii. Residential building permit expiration dates are two years after date of issuance of the permit.
 - iii. Request for renewal must be accompanied by a construction schedule and management plan
 - iv. Clarify basis for building official to not authorize a renewal
 - v. Renewed permits shall expire 3 years from the date of issuance of the original permit.
- c. Construction management plan (CMP) and schedule. MICC 17.14.010 (105.6)
 - i. Larger projects (e.g. >6,000 square feet of floor area) require a construction management plan and a construction schedule.
 - ii. CMP shall include measures to mitigate impacts resulting from construction noise, deliveries and trucking, dust / dirt, use of the street for construction related staging and parking, off-site parking, and haul routes. The building official may require additional information as needed.
 - iii. Schedule shall set major milestones, anticipated future phases, and anticipated completion dates and measures to address unforeseeable delays and shall provide for contingencies

11. Parking. MICC 19.02.020(G)

- a. For lots with a new home of equal or more than 3,000 square feet of gross floor area, require three parking spaces, two of which have to be covered
- b. For lots with 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

12. Vehicle easements. MICC 19.02.020(H)

- a. 5 foot setback from vehicle easements in the side yard.

13. Large lots. MICC 19.02.020(I)

- a. IF lot is large enough to subdivide (do one of following):
 - i. Design the house and site design to comply with subdivision standards;
 - ii. Complete the subdivision approval process; or,
 - iii. Agree not to subdivide the large lot for 5 years following the construction of the new home

14. Fences / gates. MICC 19.02.050

- a. No deviations.
- b. Height limit.

- i. In side and rear yards, fences and gates may be 72 inches.
 - ii. In front yards, fences may be 42 inches.
 - c. 72 inches in front yard IF:
 - i. Island Crest Way north of SE 53rd Place, or SE 40th Street between 92nd Avenue SE and 78th Avenue SE; and
 - ii. It's located 5 feet from the street property line and will be screened by landscaping; and,
 - iii. The proposed fence or gate will not create a traffic, pedestrian, or public safety hazard.

15. Variance criteria. MICC 19.15.020

- a. Not a replacement for deviations.
- b. New criteria.
 - i. Variance is the minimum necessary to grant relief to applicant.
 - ii. Failure to grant the variance would create an unnecessary hardship to the property owner (i.e. prevent the construction of a single family dwelling on a legally created, residentially zoned lot).
 - iii. The basis for requesting the variance is not the direct result of actions by the property owner.

16. Code interpretations. MICC 19.15.020

- a. New criteria.
 - i. The plain language of the code;
 - ii. The purpose / intent sections of the chapter;
 - iii. Legislative intent provided by the Council;
 - iv. Policy direction in the MI Comprehensive Plan;
 - v. Case law;
 - vi. Consistency with other applicable regulations;
 - vii. The expected result; and,
 - viii. Past practice.
- b. May be appealed with a land use approval.