

**CITY OF MERCER ISLAND
ORDINANCE NO. 20C-01**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING TITLE 19
MICC TO AMEND DEVELOPMENT STANDARDS RELATED TO ALLOWING
ROOFTOP RAILINGS TO EXCEED THE MAXIMUM BUILDING HEIGHT IN THE
SINGLE FAMILY RESIDENTIAL ZONING DESIGNATION.**

WHEREAS, the Mercer Island City Code (MICC) establishes development regulations that are intended to implement the Mercer Island Comprehensive Plan pursuant to RCW 36.70A.040; and

WHEREAS, the Mercer Island City Council determined that amendments to the development regulations were necessary to ensure that residential development was occurring consistent with the provisions of the Mercer Island Comprehensive Plan; and

WHEREAS, the Mercer Island City Council directed the Planning Commission to periodically review Title 19 of the Mercer Island City Code and recommend amendments to clarify the regulations to the City Council; and

WHEREAS, on May 21, 2019 the Mercer Island City Council reviewed and adopted Ordinance No. 19C-04, which established language prohibiting the placement of railings on the roof of single family homes, where such railings would exceed the allowed height limits for single family residential zoning designations; and

WHEREAS, on May 21, 2019 the Mercer Island City Council remanded to the Planning Commission for further consideration an amendment to the development regulations that would allow for the placement of such railings in limited circumstances; and

WHEREAS, the Mercer Island Planning Commission held a public meeting on July 31, 2019 and held a public hearing on October 2, 2019 to consider amendments to the development standards related to railings on single family residences in limited circumstances; and

WHEREAS, a SEPA Determination of Non Significance was issued by the City on February 19, 2019; and

WHEREAS, the Washington Department of Commerce granted expedited review of the proposed amendments to the development regulations on April 24, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: **Adoption of amendments to Title 19 of the Mercer Island City Code.** The amendments to the Mercer Island City Code as set forth in Attachment “A” to this ordinance are hereby adopted.

Section 2: **Codification of the regulations.** The City Council authorizes the Community Planning and Development Director and the City Clerk to correct scrivener’s errors in Attachment A, codify the regulatory provisions of the amendment into Title 19 of the Mercer Island City Code, and publish the amended code.

Section 3: **Interpretation Authorized.** The City Council authorizes the Community Planning and Development Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

Section 4: **Severability.** If any section, sentence, clause or phrase of this Ordinance or any Mercer Island City Code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance or the amended code section.

Section 5: **Effective Date.** This Ordinance shall take effect and be in force on 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 4th day of February, 2020 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

Approved as to Form:

ATTEST:

Bio F. Park, Interim City Attorney

Deborah A. Estrada, City Clerk

Date of Publication:
