

Attachment A

Minor Code Amendments

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5 19.03.010 Multiple-family
6
7 COMMERCIAL
8 19.04.010 Planned business zone - PBZ
9 19.04.020 Commercial offices
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11
12 PROPERTY DEVELOPMENT
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22 and code amendments
23 DEFINITIONS
24 19.16.010(L) "L" definitions
25
26 "Normal Text" is existing code language
27 "~~Strikethrough Text~~" is existing code language that will be deleted
28 "Underline Text" is new code language that will be added
29 "... " indicates that existing code language is omitted and will not be amended
30
31 **MICC 19.02.020 Development standards**
32 ...
33 C. Yard Requirements.
34 1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and side
35 yards not less than the depths or widths following:
36 a. Front yard depth: 20 feet or more.
37 b. Rear yard depth: 25 feet or more.
38 c. Side yards shall be provided as follows:
39 i. ~~Total DepthWidth.~~
40 (a) For lots with a lot width of 90 feet or less, the sum of the side yards' ~~depth~~width
41 shall be at least 15 feet.
42 (b) For lots with a lot width of more than 90 feet, the sum of the side yards' ~~depth~~
43 width shall be a width that is equal to at least 17 percent of the lot width.
44 ii. ~~Minimum Side Yard DepthWidth.~~
45 (a) ~~The minimum side yard depth-width abutting an interior lot line is five feet or 33~~
46 percent of the aggregate side yard total ~~depthwidth~~, whichever is greater.

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1 ~~(a) The minimum side yard depth abutting a street is five feet.~~

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5 3. Intrusions into Required Yards.

6 a. Minor Building Elements.

- 7 i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and
8 fireplace extensions, window wells, and unroofed, unenclosed outside stairways and
9 decks shall not project more than three feet into any required yard. Eaves shall not
10 protrude more than 18 inches into any required yard.
11 ii. No penetration shall be allowed into the minimum side yard setback abutting an interior
12 lot line except where an existing flat-roofed house has been built to within 18 inches of
13 the interior side yard setback line and the roof is changed to a pitched roof with a
14 ~~minimum pitch of 2:12 or steeper~~4:12, the eaves may penetrate up to 18 inches into
15 the side yard setback.

16 b. Hardscape and Driveways.

- 17 i. Hardscape and driveways not more than 30 inches above existing grade or finished
18 grade, whichever is lower, may be located in any required yard, provided that driveways
19 may exceed the 30-inch limit when a permit applicant demonstrates the proposed
20 height is the minimum feasible to meet the standards in MICC 19.09.040.

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22 **MICC 19.03.010**

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26 **E. Building Height Limit.**

27 ~~1. MF-2L: No building shall exceed 24 feet or two stories in height (excluding daylight basements),~~
28 ~~whichever is less, except appurtenances may extend to a maximum of five feet above the height~~
29 ~~allowed for the main structure.~~

30 ~~2.1. MF-2, MF-3: No building shall exceed 36 feet or three stories in height, whichever is less, except~~
31 ~~appurtenances may extend to a maximum of five feet above the height allowed for the main~~
32 ~~structure.~~

33 2. Building height for buildings within the MF-2 and MF-3 zone shall be calculated using the method
34 described in MICC 19.11.030(A)(3).

35 3. Buildings within the MF-2L shall meet the following standards:

36 a. No building shall exceed 24 feet in height above the average building elevation to the
37 highest point of the roof; and

38 b. The maximum building facade height on the downhill side of a sloping lot shall not
39 exceed 24 feet in height. The building facade height shall be measured from the existing
40 grade or finished grade, whichever is lower, at the furthest downhill extent of the
41 proposed building, to the top of the exterior wall facade supporting the roof framing,
42 rafters, trusses, etc.

43 ...
44 **MICC 19.04.010**

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1 E. *Development Standards – Nonresidential.*

2 1. *Building Height Limit.* No nonresidential structure shall exceed 36 feet in height, calculated using
3 the method described in MICC 19.11.030(A)(3).

4
5 2. *Minimum Parcel Area Requirements.* There shall be no minimum parcel size for nonresidential
6 uses.

7 3. *Parking Requirements.* All nonresidential uses permitted in this zone shall comply with the
8 parking requirements set out in MICC 19.04.040.

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12 F. *Development Standards – Residential.*

13 1. *Criteria for Residential Units.* The intent for residential development in the PBZ is for a variety of
14 housing units smaller in size than the surrounding neighborhood, developed in a planned and
15 coordinated manner. Except as otherwise provided in this section, no residential units shall be
16 located under or over another unit or within a commercial structure.

17 2. *Building Height Limit.* No residential building shall exceed 30 feet in height, calculated using the
18 method described in MICC 19.11.030(A)(3). Antennas, lightning rods, plumbing stacks, flagpoles,
19 electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a
20 maximum of five feet above the height allowed for the main structure.

21 ...
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23 **MICC 19.04.020**

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25 C. *Building Height Limit.*

26 1. Structures shall not exceed 36 feet in height, calculated using the method described in MICC
27 19.11.030(A)(3).

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31 **MICC 19.04.050**

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33 D. *Building Height Limit.* Maximum allowable building height shall be the lesser of 1) three stories or 2)
34 36 feet, - calculated using the method described in MICC 19.11.030(A)(3), whichever is less.

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38 **MICC 19.09.100**

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40 B. Development, including roads, walkways and parking areas, in critical areas, should be avoided, or if
41 not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably
42 feasible.

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1 **MICC 19.15.030 Table A**

Type I	Type II	Type III	Type IV
Table A. Land Use Review Type			
<ul style="list-style-type: none"> • Home business • Seasonal development limitation waiver • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination • Tenant improvement/change of use • Shoreline exemption¹ • Critical areas determination (steep slope alteration) • Final short plat • Temporary commerce on public property • Site development permits • Transportation concurrency certificate 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47CFR 1.40001) • Lot line revision • Setback deviations • Final plat^{2,3} • Code official design review • Accessory dwelling unit • Parking variances⁷ <u>modification</u>⁷ (reviewed by city engineer) 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical areas determination (wetland/watercourse buffer averaging/reduction) • Temporary encampment⁴ • Short plat alteration and vacations • Preliminary short plat • Development code interpretations • Major single-family dwelling building permit⁵ • Shoreline substantial development permit¹ • Shoreline revision (substantial development)¹ 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking variances⁷ <u>modifications</u>⁷ (reviewed by design commission) • Variance from short plat acreage limitation • Wireless communication facility height variance • Planned unit development • Design commission design review • Permanent commerce on public property • Shoreline conditional use permit (SCUP)⁶ • Shoreline variance⁶ • Shoreline revision (variance and SCUP)

2 ¹Appeal will be heard by the Shorelines Hearings Board.

3 ²Decision is made by city council after discussion at a public meeting.

4 ³A notice of decision will be issued for a final long plat.

5 ⁴A public meeting is required.

6 ⁵Major single-family dwelling building permits are subject only to the notice of application process. A notice of decision will be provided to parties of record.

7 ⁶Hearing examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision.

8 ⁷Parking modifications are issued pursuant to the provisions of MICC 19.11.130.

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1 **MICC 19.15.110**

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5 C. *Deadline Extension.* Applicants may request an extension to provide requested materials. Extension
6 requests shall be in writing, shall include a basis for the extension and shall be submitted in writing
7 prior to expiration of the time limit. The code official is authorized to extend the time limit in
8 writing. There is no limit to the number of extensions an applicant may be granted, however, the
9 total time limit for a response shall not exceed 180 days unless there is an extenuating
10 circumstance. An extenuating circumstance must be unexpected and beyond the control of the
11 applicant.

12 ~~C.D.~~ *Limit on Number of Review Cycles.* The code official may issue a decision when three (3) or more
13 requests for the same information have remained unaddressed by materials submitted by the
14 applicant. The official or entity shall provide written notification to the applicant, informing them
15 that a decision will be issued and providing the opportunity for one set of information to be
16 submitted before the decision is issued. The intent of this provision is to allow the code official to
17 issue a decision when the content of submittal materials demonstrates an inability or unwillingness
18 to meet applicable code requirements after repeated requests by the City. It is not the intent of this
19 section to limit good faith efforts to meet code requirements by submitting new information in
20 pursuit of approval.

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24 **MICC 19.15.220**

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28 C. *Design Review Procedure.*

29 1. *General.*

30 a. *Intent.* The intent of the design review process is to ensure that regulated development in
31 all land use zones complies with design objectives and standards established in Chapters
32 19.11 and 19.12 MICC.

33 b. *Scope.* No building permit or other required permit shall be issued by the city for
34 development of any regulated improvement without prior approval of the design
35 commission or code official as authorized pursuant to this chapter. Deviations from a plan
36 approved by the design commission or code official shall be permitted only upon the filing
37 and approval of an amended plan. In no instance shall the design commission's or code
38 official's action conflict with the city's development code or other applicable city ordinances
39 or with state or federal requirements. Certain development and activities that do not
40 require a permit are subject to design review as provided in subsection (C)(1)(c) of this
41 section.

42 c. *Review Authority.*

43 i. The following development proposals shall require design commission review:

44 (a) New buildings;

45 (b) Any additions of gross floor area to an existing building(s);

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- (c) Any alterations to an existing building that will result in a change of 50 percent, or more, of the exterior surface area;
- (d) Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50 percent of the development proposal site; and
- (e) Any alterations to existing facades, where the building is identified by the city as an historic structure.

- ii. All other development proposals requiring design review and not requiring design commission review under MICC 19.15.220(C)(1)(c)(i)~~subsection A~~ of this subsection shall be reviewed by the code official. The code official shall have the authority to determine that an application normally reviewed by code official shall require design commission review and approval, based on factors such as the scope, location, context, and visibility of the proposed change or modification; and

15 **19.15.230 Comprehensive plan amendments and docketing procedures.**

18
19 D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and
20 maintaining a list of suggested changes to the comprehensive plan or code -in a manner that will ensure
21 such suggested changes will be considered by the city and will be available for review on the City's
22 website by the public. The following process will be used to create the docket:

- 23 1. Preliminary Docket Review. By September 1, the city will issue notice of the annual
24 comprehensive plan and code amendment cycle for the following calendar year. The
25 amendment request deadline is October 1. Proposed amendment requests received after
26 October 1 will not be considered for the following year's comprehensive plan and code
27 amendment process but will be held for the next eligible comprehensive plan and code
28 amendment process.
 - 29 a. The code official shall compile and ~~maintain post~~ for public review a list of suggested
30 amendments and identified deficiencies as received throughout the year.
 - 31 b. The code official shall review all complete and timely filed applications and
32 suggestions proposing amendments to the comprehensive plan or code -and place these
33 applications and suggestions on the preliminary docket along with other city-initiated
34 amendments to the comprehensive plan or code.
 - 35 c. The planning commission shall review the preliminary docket at a public meeting and
36 make a recommendation on the preliminary docket to the city council each year.
 - 37 d. The city council shall review the preliminary docket at a public meeting. By
38 December 31, the city council shall establish the final docket based on the criteria in
39 subsection E of this section. Once approved, the final docket defines the work plan and
40 resource needs for the following year's comprehensive plan amendments.
- 41 2. Final Docket Review.
 - 42 a. Placement on the final docket does not mean a proposed amendment will be
43 approved. The purpose of the final docket is to allow for further analysis and
44 consideration by the city.
 - 45 b. All items on the final docket shall be considered concurrently so that the cumulative
46 effect of the various proposals can be ascertained. Proposed amendments may be

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1 considered at separate meetings or hearings, so long as the final action taken considers
2 the cumulative effect of all proposed amendments to the comprehensive plan.

3 c. The code official shall review and assess the items placed on the final docket and
4 prepare recommendations for each proposed amendment. The code official shall be
5 responsible for developing an environmental review of the combined impacts of all
6 proposed amendments on the final docket, except that applicants seeking a site-specific
7 amendment shall be responsible for submittal of a SEPA environmental checklist and
8 supporting information. The applicant will need to submit SEPA and any other
9 accompanying legislative actions such as a rezone or a code amendment at this time.
10 The code official may require an applicant to pay for peer review and/or additional
11 resources needed to review the proposal. The code official shall set a date for
12 consideration of the final docket by the planning commission and timely transmit the
13 staff recommendation prior to the scheduled date.

14 d. The planning commission shall review the proposed amendments contained in the
15 final docket based on the criteria set forth in subsection (F)(1) of this section. The
16 planning commission shall hold at least one public hearing on the proposed
17 amendments. The planning commission shall make a recommendation on the proposed
18 amendments and transmit the recommendation to the city council.

19 e. After issuance of the planning commission's recommendation, the code official shall
20 set a date for consideration of the final docket by the city council. The city council shall
21 review the proposed amendments taking into consideration the recommendations of
22 the planning commission and code official. The city council may deny, approve, or
23 modify the planning commission's recommendations consistent with the criteria set
24 forth in subsection (F)(1) of this section. The city council's establishment of a final
25 docket of proposed amendments is not appealable.

26 f. The planning commission and the city council may hold additional public hearings,
27 meetings, or workshops as warranted by the proposed amendments.

28 E. Docketing Criteria. The following criteria shall be used to determine whether a proposed
29 amendment is added to the final docket in subsection D of this section:

- 30 1. The request has been filed in a timely manner, and either:
 - 31 a. State law requires, or a decision of a court or administrative agency has directed,
32 such a change; or
 - 33 b. All of the following criteria are met:
 - 34 i. The proposed amendment presents a matter appropriately addressed
35 through the comprehensive plan or the code;
 - 36 ii. The city can provide the resources, including staff and budget, necessary to
37 review the proposal, or resources can be provided by an applicant for an
38 amendment;
 - 39 iii. The proposal does not raise policy or land use issues that are more
40 appropriately addressed by an ongoing work program item approved by the city
41 council;
 - 42 iv. The proposal will serve the public interest by implementing specifically
43 identified goals of the comprehensive plan or a new approach supporting the
44 city's vision; and
 - 45 v. The essential elements of the proposal and proposed outcome have not
46 been considered by the city council in the last three years. This time limit may

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1 be waived by the city council if the proponent establishes that there exists a
2 change in circumstances that justifies the need for the amendment.

3 F. Decision Criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified
4 below. An applicant for a comprehensive plan amendment proposal shall have the burden of
5 demonstrating that the proposed amendment complies with the applicable regulations and decision
6 criteria.

7 ...

9 **19.15.250 Code amendment.**

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11 A. Purpose. The purpose of this section is to establish the process and criteria for amendment of this
12 code.

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14 B. Process. ~~Zoning~~ Code amendments shall be considered as provided in MICC 19.15.260.

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16 C. Initiation of ~~Zoning~~ Code Amendment Request.

17 1. A ~~zoning~~ code amendment request may be initiated at any time by the city council, planning
18 commission, or code official.

19 2. A code amendment request may be initiated by any interested person as follows:

20 a) Suggestion. A code amendment may be suggested by any interested person.

21 b) Application. An application for a code amendment may be submitted by any interested
22 person. An application for a code amendment shall be accompanied by the filing fee
23 established by resolution.

24 c) Suggested code amendments and applications for code amendments shall be docketed
25 pursuant to MICC 19.15.230(D) and considered on at least an annual basis.

26 d) Whether initiated by suggestion or application, a proposed code amendment by an
27 interested party shall be accompanied by an application form and shall require a detailed
28 description of the proposed amendment in nontechnical terms.

29 3. Multiple code amendment requests may be consolidated for review and action at the city's
30 discretion.

31
32 D. Criteria. The city may approve or approve with modifications a proposal to amend ~~the text of this~~
33 code only if:

34 1. The amendment is consistent with the comprehensive plan; and

35 2. The amendment bears a substantial relation to the public health, safety, or welfare; and

36 3. The amendment is in the best interest of the community as a whole.

37
38 E. Codification. Following approval of an amendment, the city shall amend this code to reflect the
39 amendment.

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19.15.260 Review procedures for comprehensive plan amendments, reclassification of property, and code amendments.

- A. The city shall issue a notice for comprehensive plan amendments, reclassifications of property, and zoning code text amendments as described in MICC 19.15.230, 19.15.240, and 19.15.250. Notice shall be provided in the weekly CPD bulletin, a newspaper of general circulation, made available to the general public upon request, and, if the proposed amendment will affect a specific property or defined area of the city, mailed to all property owners within 300 feet of the affected property or defined area, and posted on the site in a location that is visible to the public right-of-way.
1. The notice shall include the following information:
 - a. The name of the party proposing the proposed amendment or change;
 - b. The location and description of the project, if applicable;
 - c. The requested actions and/or required studies;
 - d. The date, time, and place of the open record hearing;
 - e. Identification of environmental documents, if any;
 - f. A statement of the public comment period which shall not be less than 30 days. The city shall accept public comments at any time prior to the closing of the record of an open record predecision hearing; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision once made and any appeal rights;
 - g. The city staff contact and contact information;
 - h. The identification of other reviews or permits that are associated with the review of the proposed comprehensive plan, zoning text, or zoning map amendment, to the extent known by the city;
 - i. A description of those development regulations used in determining consistency of the review with the city's comprehensive plan;
 - j. A link to a website where additional information about the project can be found; and
 - k. Any other information that the city determines appropriate.
 2. Timing of Notice. The city shall provide the notice at least 30 days prior to the hearing.
 3. The city shall accept public comments at any time prior to the closing of the record of an open record public hearing.

MICC 19.16.010(L)

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Lot, Irregular: A legally established lot that 1) is not rectangular and 2) does not meet minimum width, depth, and area standards required by the zone in which the lot is located

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Lot Coverage Maximum: The maximum area of a residentially zoned lot that may be covered by a combination of buildings, including eaves and roof overhangs, and vehicular driving surfaces.