Attachment A Planning Commission Second Review Draft

6/5/2019

~~Community Facility Zone~~

~~Sections:~~

~~19.04.060 Community Facility Zone~~

Chapter 19.14

COMMUNITY FACILITIES

Sections:

19.14.010 Purpose

19.14.020 Administrative

19.14.030 Master Plan

19.14.040 Dimensional Standards

19.14.050 General Regulations

**19.14.010 ~~Community Facility – CF~~ Purpose**

A. ~~Purpose.~~ The purpose of the Community Facility (CF) zoning designation is to provide a ~~location for places of worship, educational, and noncommercial recreational areas and facilities in high quality coordinated development compatible with adjacent residential uses.~~ zoning designation for a mix of social, recreational, educational, and religious organizations, which are essential for the mental, physical and spiritual health of Mercer Island*.* Development proposals in the CF zoning designation shall be designed consistent with this section and the applicable provisions of Chapter 19.12 MICC, to address the following objectives:

1. Non-motorized transportation improvements should be integrated into developments. Development should strive to reduce conflicts between, and congestion caused by, all modes of transportation.

2. All phases of project development design should address public safety.

3. Housing should be limited and accessory to the primary facility.

4. Public engagement and outreach throughout the master planning process.

5. Significant public benefit provided by each facility by way of the master planning process.

~~4. Community facilities should be located on properties of existing community facilities and on properties adjacent to existing community facilities.~~

~~5. Community facilities should be subject to design review. The code official has the option of adopting supplemental design standards.~~

**19.14.020.** ~~General Provisions~~ **Administrative**.

A. The standards contained within this section supplement and are in addition to, ~~and supplement,~~ the design standards contained within chapter 19.12 MICC. This section is not subject to the following subsections from 19.12 MICC:

1. Landscape design and outdoor spaces, 19.12.040(B)(7)and (8)

2. Lighting , 19.12.070(B)

~~2. Significant public benefit will be provided by each facility in the zone consistent with subsection DO, below.~~

. ~~Alcohol use shall be limited to special events~~.

. ~~No more than 2 housing units per facility are allowed. Single family dwellings may be detached, semi-detached or attached. Single family dwellings shall have a maximum GFA of 1,500 square feet.~~

B. Uses Permitted.

1. Permitted Uses.

a. Places of worship.

b. Private schools.

c. Noncommercial recreational area or facility.

d. Equestrian riding academies.

2. Accessory Uses. The following uses are allowed only as an accessory use to a use that is permitted in subsection (1).

a. Daycares or preschools.

 b. Single family dwellings. No more than 2 housing units per facility are allowed. Single family dwellings may be detached, semi-detached or attached. Single family dwellings shall have a maximum GFA of 1,500 square feet.

 c. Eating and drinking establishments. These establishments shall primarily serve the members of the facility and shall not be not open to the general public.

**19.14.030. Master Plan**

~~A master plan is a dynamic long-term planning document that provides an overall layout to guide future development of a site and ensure thorough and well-designed site development.~~

A. Purpose. The purpose of the master planning process is to develop a set of documents that describes the long-term plan and overall layout of the master planned site. The master plan, once adopted by the Design Commission, will guide future development of the master planned site and ensure a thorough and well-designed site development. The master plan, once approved, is intended to provide the following public benefits:

1. Predictable land use development and associated site improvements on the master planned site.

2.Predictable long-term site and building programming for land uses and associated activities;

3. A site plan showing the layout of site improvements;

3. The phasing of the site and the duration of the master plan approval;

4. An overall schedule for construction of site improvements that is designed to minimize and mitigate impacts to adjacent residential areas;

5. Manage special event parking; and,

6. Safe and well-designed pedestrian and vehicle circulation.

B. Applicability. Master planning shall be required for all development proposals within the Community Facility zone. Master plan approval will be subject to the process established in MICC 19.15.280, provided the Master Plan shall be approved concurrent with, or prior to, other required land use review approvals.

1. Master plans shall be required when the following thresholds are met:

a. The lot coverage of a site would be increased by more than 5 percent or more than 2,000 square feet.

b. When more than a 5 percent increase of parking is required for a change of or expansion of use.

c. When the amount of a.m. or p.m. peak hour trips would be increased by ten percent or more.

d. When more than a 10 percent change of landscaping is proposed.

* 1. *~~Significant public benefit will be provided to the immediate neighbors by providing predictability of development, provision of screening, and mitigation of impacts. Significant public benefit will be provided to greater Mercer Island by preserving community facilities on the Island.~~*
	2. ~~Any development proposal site or collection of sites with a gross area of more than five acres shall obtain a Master Plan approval.~~
	3. ~~Development proposals that include a mix of uses shall obtain a Master Plan approval.~~
	4. ~~Development proposals that do not otherwise require a Master Plan may voluntarily apply for a Master Plan approval.~~

C. Components of a Master Plan~~Site Plan Requirements~~. In addition to the requirements of 19.15.060, master planning ~~site plans must~~ documents shall contain the following:

1. Surrounding streets and properties.

2. Dimensions of the property and all property lines.

3. Existing and proposed structures and uses.

4. Topography.

5. Critical areas including geologic hazard areas, watercourses, wetlands, wildlife conservation areas, and critical area recharge areas (CARA’s).

6. Shoreline areas (areas within 200-feet of Lake Washington).

7. Trees and vegetated areas.

8. Landscape plan.

9. Easements and native growth protection areas (NGPA’s).

10. Existing and proposed circulation information including ingress and egress ways, and internal drives, paths, and parking areas. Circulation plans shall include vehicular, bicycle and pedestrian circulation information.

11. Existing and proposed utility information including type of utility, size, material, and condition (if known) of each utility.

12. Existing and proposed lighting including type of light, height, lumens, direction, shielding, cut-off, etc.

13. If phasing is proposed, and phasing plan and schedule.

14. Additional information the code official deems necessary

D.Master Plan – Flexible Development Standards.

1.Review Procedure. Master plan approval will be subject to the process defined in MICC 19.15.280, provided the Master Plan shall be approved concurrent with, or prior to, other required land use review approvals.

 2. ~~Master Plan – Flexible Development Standards.~~ The design commission may modify ~~or grant exceptions to~~ the requirements of this ~~chapter~~ section where indicated if ~~it~~ the design commission ~~is~~ ~~determined~~ determines that the ~~exception~~ modification will result in a development that is more consistent with the purpose in subsection “(D)(1)” ~~of this section~~ ~~or provides equal or greater protection to the adjacent properties or and nearby community~~, and subject to the following:~~. or provide significant public benefit as provided in (4) below, and further provided as follows: Properties utilizing master plans can consider the entirety of all properties that are part of the master plan to calculate metrics that are based on lot area (e.g. lot coverage and gross floor area).~~

a. Dimensional standards are provided in subsections F through I of this section, MICC 19.04.060. When a standard uses the word “shall”, the standard is mandatory. When a standard uses the word “should”, the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission, an equal or better means of satisfying the standard as provided in those code sections. When a standard uses the word “may”, the development proposal may meet the standard, to qualify for a modification as specified below. The design commission may authorize modifications to a standard where the “should” term is used, subject to the following:

* 1. A “modification” of the dimensional standards of subsection G, H, and I may be authorized by the design commission when a project offers an “allowance” as provided in subsection G, H, and I, when altered screening density, width, or height is provided, or site design is utilized to mitigate impacts to neighboring properties. ~~The design commission may authorize a modification to the dimensional standards, when a project incorporates one or more of the “allowances” or optional dimensional standards as provided in subsection G, H, and I, and/or when minimal screening is provided and/or site design is not utilized to mitigate impacts to neighboring properties.~~
	2. The columns in the Table A below identifies “modifications” that the design commission may authorize. The rows in the Table A below identify “allowances” or optional dimensional standards that, when increased as set forth in subsections G through I, serve as the basis for a design commission “modification”.
	3. Mitigation and exceptions shall be proportional to either the increase or reduction of from the baseline limit.
	4. The term “high” means that there is a strong possibility that a corresponding allowance could be approved by the Design Commission. The term “medium” means that there is a possibility that an allowance could be approved by the Design Commission. The term “low” means that it is unlikely that the Design Commission will approve the modification without incorporating additional dimensional standards.

 Table A. Modifications and Allowances

|  |  |
| --- | --- |
|  | Modifications |
| Allowances |  | Height increased | GFA increased | Lot Coverage increased | Decreased screening width, height, and density  |
| Height reduction | medium | low | low | medium |
| GFA reduction | low | low | low | medium |
| Lot Coverage reduction | low | medium | low | medium |
| Increased screening width, height, and density | high | medium | high | medium |
| Site Design resulting in less impacts to neighbors | high | high | medium | medium |

\* Like for like standards can be considered for variation across a site. For example, the height of a building on a site may be increased, if the height of a separate building on the same site is decreased.

E. Criteria. An applicant must demonstrate how a master plan meets the following criteria:

1. The applicable requirements of Mercer Island City Code, Title 19

2. The requirements of the Pedestrian and Bicycle Facilities (PBF) Plan.

3. The requirements of parks open space and trails plans.

4. The purpose and public benefit described above.

5. Any proposed modifications to design standards are balanced by increased design standards.

F. Limitation to plan approval. A master plan shall be null and void if:

1. ~~A master plan without a~~ There is no phasing plan ~~shall be null and void if~~ and the applicant fails to file a complete building application(s) for all buildings within three years of the approval date, or by a date specified by the code official, and fails to have all building permits issued within four years of the master plan approval date; or

2. A master plan approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

G. Phasing Plan. The phasing plan is intended to allow for the long term redevelopment of a master planned site over several phases, while ensuring that necessary improvements are completed with each phase.  A phasing plan approved with a master plan shall include the following at a minimum:

1. Identification of each major phase of the project numerically in sequential manner (e.g. phase 1, 2, 3, etc.).  For the purposes of this section, the phrase “major phases of the project” is intended to identify one or more ~~private development~~ site or building improvements that are physically or geographically related, together with necessary supporting infrastructure and required site improvements (e.g. landscaping buffers, pedestrian or vehicle improvements, etc.)

2. The proposed ~~timing~~ schedule and scope of work to be completed in each phase (e.g. building construction, utility improvements, required on- and off-site improvements, etc.)for the initiation of each phase and the anticipated completion date of each phase.

3. Identification of known applications for permit or land use approval associated with each phase.

1. ~~The scope of work to be completed in each phase (e.g. building construction, utility improvements, required on- and off-site improvements, etc.).~~

4. A discussion of contingency planning in the event that any single phase cannot be completed on time and corrective steps necessary to address otherwise un-addressed resulting impacts.

5. Other information related to completion of the proposed master plan, as required by the Design Commission in their review and approval of the phasing plan.

1. ~~Identification of each major phase of the project numerically in sequential manner (e.g. phase 1, 2, 3, etc.).  For the purposes of this section, the phrase “major phases of the project” is intended to identify one or more private development improvements that are physically or geographically related, together with necessary supporting infrastructure and required site improvements (e.g. landscaping buffers, pedestrian or vehicle improvements, etc.)~~
2. ~~The proposed timing for the initiation of each phase, identification of known applications for permit or land use approval associated with each phase, and the anticipated completion date of each phase.~~
3. ~~The scope of work to be completed in each phase (e.g. building construction, utility improvements, required on- and off-site improvements, etc.).~~
4. ~~A discussion of contingency planning in the event that any single phase cannot be completed on time and corrective steps necessary to address otherwise un-addressed resulting impacts.~~

6. Phasing plans will expire 20 years after the date of approval.

~~4.~~

* 1. ~~Properties utilizing master plans can consider the entirety of all properties that are part of the master plan to calculate metrics that are based on lot area (e.g. lot coverage and gross floor area).~~
	2. ~~Setbacks shall not be reduced more than 50% or 20-feet, whichever is greater.~~
	3. ~~Lot coverage shall not be increased to more than 80% of the lot area.~~
	4. ~~Within reduced setbacks, lot coverage shall not exceed 40%.~~
	5. ~~Gross floor area within reduced setbacks shall not exceed 15% of the lot area within the reduced setback area.~~
1. ~~Public benefits should consider and be appropriate for the site as determined by the design commission. Appropriateness may be determined by factors unique to each site such as the size of the site, the proposed intensity of use, or the proximity of adjacent residential uses. Public benefits may include the following:~~
	1. ~~Underground parking garage;~~
	2. ~~Screening of parking; or~~
	3. ~~Mitigating the impacts resulting from development in the Community Facility zone and existing traffic.~~
	4. ~~Addressing conflicts between off-site motorized and non-motorized transportation.~~

~~8. Special events~~

* 1. ~~A special event is an event that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location.~~
	2. ~~The site plan shall demonstrate where overflow parking for special event will be provided. If not provided on -site, a narrative will be provided that will explain the methodology for providing special event parking.~~
	3. ~~Special events that involve the serving of alcohol are limited to four times per calendar year.~~

~~9. Criteria for approval. The city will evaluate master plan applications and approve them provided that they meet the following criteria:~~

1. ~~The applicable requirements of this code section.~~
2. ~~The applicable requirements of chapter 19.12 MICC that have not been exempted pursuant to, or superseded by, this code section.~~
3. ~~The applicable design review approval criteria and vision of MICC 19.06.120(B).~~
4. ~~The city’s tree regulations of chapter 19.10 MICC.~~
5. ~~The standards and plans for roadways, stormwater and construction of 19.15, 19.16, and 19.17 MICC.~~
6. ~~The applicable requirements of the Pedestrian and Bicycle Facilities (PBF) Plan.~~
7. ~~The applicable requirements of parks open space and trails plans.~~
8. ~~The purpose statement of in subsection (A).~~

**19.04.040 Dimensional Standards**

~~D~~A. Setbacks. The following setbacks shall apply except where specific setbacks are provided in other subsections of this section:

1. Measurement.

a. Street setbacks shall be measured from the street property line or edge of vehicle easement.

b. Residential setbacks shall be measured from the property line of the closest property zoned residential or multifamily.

c. Non-residential setbacks shall be measured from the property line of the closest non-residentially zoned property.

2. Allowed Intrusions into Setbacks. Buildings and structures are not allowed within setbacks, except:

a. Fences as provided in 19.04.050(E).

b. Retaining walls or rockeries, provided the total height of the retaining wall or rockery shall not exceed 6 feet.

c. Hardscape.

d. Parking lots, but not parking structures except for underground parking.

e. Structures associated with recreational areas such as ballfields and courts may be allowed in setbacks abutting non-residentially zoned properties. Any such structure shall not be located within 5-feet of the non-residentially zoned lot line.

f. Architectural elements, eaves, and other building elements not containing habitable floor area shall not project more than 18 inches into setbacks.

~~2~~3. Small sites. For the purpose of this section, small sites are those sites that are 4 acres or less ~~and~~ or have a lot width of less than ~~300~~350-feet

a. Street Setbacks.

  ~~i. Street setbacks shall be measured from the existing edge of a street~~ ~~right-of-way.~~

 ~~ii~~i. 15-foot setback from arterial streets.

 ~~iii~~ii. ~~50~~ 25-foot setback from non-arterial streets.

b. Residential Setback~~s~~. ~~A setback of~~ ~~50~~ 35*-*feet ~~shall be established from the property line of the closest property zoned R-8.4, R-9.6, R-12, R-15, MF-2, MF-2L, and MF-~~*~~3~~* ~~residential or multifamily.~~

c. Non-residential Setback~~s~~. 5-feet ~~shall be established from the property line of the closest non-residentially zoned property.~~

~~d. Allowed Intrusions into Setbacks. Buildings and structures are not allowed within setbacks, except:~~

1. ~~Fences.~~
2. ~~Retaining walls or rockeries, provided the total height of the retaining wall or rockery shall not exceed 6 feet.~~
3. ~~Hardscape.~~

 ~~2~~4. Large sites. Large sites are those sites that are more than 4 acres and have a lot width of ~~300~~350-feet or greater.

a. Street Setbacks.

 ~~i. Street setbacks shall be measured from the existing edge of a street right-of-way.~~

 ~~ii~~i. The setback shall be 30-feet from ~~an~~ arterial streets.

~~ii~~ii. ~~100~~ The setback shall be 45-feet from non-arterial streets.

b. Residential Setback~~s~~. ~~A setback of~~ 100-feet ~~shall be measured from the property line of the closest property zoned~~ ~~R-8.4, R-9.6, R-12, R-15, MF-2, MF-2L, and MF-3~~*.*

c. Non-residential Setback~~s~~. ~~A setback of~~ 5-feet ~~shall be established from the property line of the closest non-residentially zoned property.~~

 d~~. Allowed Intrusions into Setbacks. Buildings and structures are not allowed within setbacks, except:~~

1. ~~Fences.~~
2. ~~Retaining walls or rockeries, provided the total height of the retaining wall or rockery shall not exceed 6 feet.~~
3. ~~Hardscape.~~

~~E~~B. Height

1. Height calculation. Height shall be calculated as follows:

a. Draw the smallest rectangle that encloses the principal structure.

b. Divide one side of the rectangle into sections of 15 feet in length using lines that are perpendicular to the side of the rectangle.

c. The sections delineated in subsection in (b) above are considered to extend vertically from the ground to the sky.

d. The maximum height for each section of the structure is measured from the average grade level for that section of the structure, which is calculated as the average elevation of the existing lot grade at the midpoints of the two opposing exterior sides of the rectangle for each section of the structure.

2. ~~No building shall~~ Buildings should not exceed the following baseline height limits. Height limits shall be measured as described in (2) above. The height may be increased up to the maximum height if the design commission concludes that applicant’s proposal mitigates the impact of the increased height compared to that of the baseline height. A modification to the requirements of this section may be granted if the development proposal reduces building height to the optional height limit. Mitigation shall be proportional to either the increase or reduction of height from the baseline height limit. Modifications will be as provided in the Master Planning section.

Table B. Height

|  |  |  |  |
| --- | --- | --- | --- |
| Measured from closest property line of: | Optional (Allowance) | Baseline (Should) | Maximum (Modification) |
| Within 50-feet of non-residential or within 100-feet of residential or right of way | 20 | 30 | 45 |
| More than 50-feet from non-residential or further than 100-feet from residential or right of way. | 30 | 43 | 53 |

~~a. 30 - feet within 150-feet of a property line adjacent to residential or right-of-way.~~

~~b. 43 – feet adjacent to properties not residentially zoned or more than 150-feet from residential or right-of-way.~~

 4. The following rooftop appurtenances ~~Rooftop building~~ appurtenances may extend 10-feet above maximum building height: ~~as follows:~~

~~a. 5-feet above the maximum building height within 150 feet of a property line adjacent to residential or right of way.~~

~~b. 10-feet above maximum building height adjacent to properties not residentially zoned or more than 150 feet from residential or right of way.~~

a. Solar panels

b. Antennas

c. Lightning rods

d. Plumbing stacks

e. Flagpoles

f. Electrical service leads

g. Chimneys and fireplaces

h. Mechanical equipment such as HVAC units

i. Rooftop recreation areas including trellises where at least 90% of the structure is open and is unroofed.

j. Elevator equipment

~~F~~C. Lot Coverage. Lot coverage calculations shall include all contiguous lots in the same ownership~~, or contiguous lots developed by way of a master plan~~.

1. Lot Coverage ~~– Landscaping Required~~.

a. Minimum Area Required. ~~Development proposals for community facilities shall~~ ~~comply with the following standards based on the lot area.~~ Lot coverage should not exceed the following baseline lot coverage limits. Lot coverage limits may be increased to the maximum lot coverage if the applicant’s proposal mitigates the impact of the increased lot coverage compared to that of the baseline lot coverage. If a development proposal reduces lot coverage to the optional lot coverage limit, the requirements of this subsection may be modified. Mitigation shall be proportional to either the increase or reduction of lot coverage from the baseline lot coverage limit. Modifications will be as provided in the Master Planning section.

Table C. Lot Coverage

|  |  |  |  |
| --- | --- | --- | --- |
| Distance from residential property lines | Optional (Allowance) | Baseline (Should) | Maximum (Modification) |
| 0 to 50-feet | 25% of lot area between 0-60 feet from residential property lines. | 40% of lot area between 0-60 feet from residential property lines. |  |
| 0 to 150-feet | 30% of lot area between 0-150 feet from residential property lines.  | 45% of lot area between 0-150 feet from residential property lines. | 60% of lot area between 0-150 feet from residential property lines.  |
| Total lot coverage | 40% of lot area  | 55% of lot area  | 70% of lot area  |

|  |  |  |
| --- | --- | --- |
| ~~Distance from residential property lines~~ | ~~Maximum Lot Coverage~~  | ~~Required Landscaping Area~~ |
| ~~0 to 60-feet~~ | ~~40% of lot area between 0-60 feet from residential property lines.~~  | ~~60%~~ |
| ~~61 to 150-feet~~ | ~~50% of lot area between 61-150 feet from residential property lines.~~  | ~~50%~~ |
| ~~More than 150-feet~~ | ~~60% of lot area more than 150-feet from residential property lines.~~ | ~~40%~~ |

2. Landscape. Area not used for lot coverage shall be landscaped.

a. Hardscape.

i. A maximum of nine percent of the lot area may consist of hardscape improvements, located within the required landscaping area, including, but not limited to, pools, turf surfaces, athletic fields, and courts.

ii. Hardscape improvements are also permitted in the maximum lot coverage area established in subsection (~~F~~H)(1)(a) of this section.

b. Softscape and Driveways.

i. The required landscaping area in subsection (~~F~~H)(1)(a) of this section shall consist of softscape improvements, except where used for hardscape improvements pursuant to section (~~F~~H)(1)(b) of this section.

ii. Driveways, parking lots, and other driving surfaces are prohibited within the landscaping area.

c. Development proposals shall remove Japanese knotweed (Polygonum cuspidatum) and Regulated Class A, Regulated Class B, and Regulated Class C weeds identified on the King County Noxious Weed list, as amended, from required landscaping areas established pursuant to subsection (~~F~~H)(~~2~~1)(a) of this section. New landscaping associated with a new development proposal shall not incorporate any weeds identified on the King County Noxious Weed list, as amended. Provided, that removal shall not be required if the removal will result in increased slope instability or risk of landslide or erosion.

~~G~~D. Gross Floor Area.

1. Gross floor area calculations shall include all contiguous lots in the same ownership~~., or contiguous lots developed by way of a master plan;~~

2. Small sites. For the purpose of this section, small sites are those sites that are 4 acres or less ~~and~~ or have a lot width of less than ~~300~~350-feet.

~~a.~~ ~~Gross floor area calculations shall include all contiguous lots in the same ownership., or contiguous lots developed by way of a master plan;~~

~~2~~3. Large sites. Large sites are those sites that are more than 4 acres and have a lot width of ~~300~~350-feet or greater.

4. Gross floor area should not exceed the following baseline gross floor area limits. Gross floor area should not exceed the following baseline gross floor area limits. Gross floor area may be increased to the maximum gross floor area if the applicant’s proposal mitigates the impact to the increased gross floor area compared to teat of the baseline gross floor area. If the development proposal reduces gross floor area to the optional gross floor area limit, the requirements of this subsection may be modified. Mitigation shall be proportional to either the increase or reduction of gross floor area from the baseline gross floor area limit. Modifications will be as provided in the Master Planning section.

Table D. Gross Floor Area

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Distance from property lines | Optional (Allowance) | Baseline (Should) | Maximum (Modification) |
| Small Sites1 | Between ~~50~~ 15and ~~100 40~~ 50 -feet from a property lines adjacent to residential zoning or public right of way  | 10% | 40% | 65% |
| Large Sites2 | Between ~~100~~ 30and ~~150~~100 -feet from a property lines adjacent to residential zoning or public right of way | 10% | 30% | 50% |

1. The gross floor area shall not be limited within those areas more than 50 feet from a property line adjacent to residential zoning or right of way.

2. The gross floor area shall not be limited within those areas more than ~~150~~ 100 feet from a property line adjacent to residential zoning or right of way.

~~b. Between~~~~50 and 100 feet of a property line adjacent to a residential zoning designation, or a public right-of-way, the gross floor area shall be limited to 30% of the aforementioned area; and~~

c~~. The gross floor area shall not be limited within those areas more than 50 feet from a property line adjacent to residential zoning or right of way.~~

~~23. Large sites. Large sites are those sites that are more than 4 acres and have a lot width of 300350-feet or greater.~~

~~a. Gross floor area calculations shall include all contiguous lots in the same ownership., or contiguous lots developed by way of a master plan;~~

~~b. Between 100 and 150 feet of a property line adjacent to a residential zoning designation, or a public right-of-way, the gross floor area shall be limited to 20% of the aforementioned area; and~~

~~c.~~ ~~The gross floor area shall not be limited within those areas more than 150 100 feet from a property line adjacent to residential or right of way.~~

**19.14.050 General Regulations**

A. Screening.In addition to MICC 19.12.040, the following standards shall apply. The standards of 19.12.040(B)(7) and (8) shall not apply. Screening shall be provided between community facilities and adjacent residential and street uses. Screening shall obscure views at pedestrian eye level. Landscape screening when mature, shall be tall enough to screen community facilities from the second story of buildings within 100 feet of the property line.

 1.Perimeter ~~landscape~~ screens should be consistent with the following definitions of screen types. Where existing undergrowth will be retained, the shrub and ground cover requirements for all screen types may be adjusted, provided the objectives of this section are met. Perimeter screening may include a combination of vegetation and berms.

Table E. Screening

| **Adjacent to**  | **Screen Type and Width**  |
| --- | --- |
|  | **Full**  | **Partial**  |
|  |  |  |
| Public Way |  | 20 feet1  |
| Single-Family Residential | 20 feet1,2, 3  |  |
| Multifamily Residential | 20 feet |  |

1Breaks in full or partial screen planting may be allowed to create focal points, preserve views, and highlight the prominence of important buildings.

2School bus and student loading and unloading and primary parking areas located 100 feet or less from an abutting single-family zoned property shall provide a 30-foot-wide full screen. The design commission may modify screening width, location, and height to avoid casting shadows on adjacent residential properties or to accommodate existing storm detention systems and utilities.

3Owners of adjacent single-family zoned property shall be consulted on perimeter screen design and planting materials.

a. Full screen. A full screen provides a dense vegetated separation between dissimilar uses on adjacent properties. A full screen should block views from adjacent properties up to 30-feet ofheight ~~as seen at the~~ or from pedestrian eye level at and adjacent street ~~in all seasons~~ within three years of installation. ~~The number of trees provided shall be proportionate to one tree for every 10 feet of landscape perimeter length~~. A full screen means at least 90% of structures on a site shall be screened. No more than 10% of outdoor lighting can penetrate the screen.

b. Partial Screen. A partial screen provides a moderate vegetated separation between uses on adjacent properties and intermittent views to adjacent properties. A partial screen shall ~~provide the desired screening function as seen at the pedestrian eye level in all seasons~~ block views from adjacent properties up to 30-feet of height or from pedestrian eye level at an adjacent street within three years of installation. ~~The number of trees provided shall be proportionate to one tree for every 20 feet of landscape perimeter length.~~ A partial screen means at least 60% of structures on a site shall be screened. No more than 20% of outdoor lighting can penetrate the screen.

2. Site design should screen adjacent residential properties from lighting and sound using the placement of buildings, drive aisles, and sound intensive areas such as parking lots, playground, and athletic facilities from adjacent residential properties.

3. Screening shall be maintained. Vegetative screening that is damaged due to accident or weather related incident shall be fully restored within 3.5 years to the same level of screening achieved 3 years after completion of initial construction.

*4. (This is a placeholder for discussion)Exemption to screening requirements. Owners of adjacent properties may present a petition to request an exemption to the landscaping requirement adjacent to their residences….*

~~H~~B. Lighting. In addition to MICC 19.12.070(A), the following standards shall apply (the standards of 19.12.070(B) shall not apply):

1. All outdoor lighting shall be designed, installed, located, operated and maintained such that there is no light spillover onto adjacent properties.

2. Outdoor lighting and accent lighting shall be shielded and aimed downward, or at an angle not to exceed forty-five degrees and be limited to 2600 lumens (25 LED watts) per fixture, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky, or onto adjacent residential properties.

3. The color of outdoor lighting shall not exceed 3000K (3000 Kelvin). For special lighting circumstances such as athletic fields, the design commission may approve an appropriate Kelvin rating.

4. Metal halide, quartz, neon, and mercury vapor lamps are prohibited.

5. Lighting shall be sufficient for pedestrian, bicyclist, and vehicular safety within the subject property. Ingress and egress ways, parking lots, trails, sidewalks, paths, and building entrances shall be well lit to provide inviting access and safety.

6. Lighting for athletic fields or other outdoor activity areas should be turned off or dimmed to comply with (7) below for security when not in use.

7. All outdoor lighting shall be turned off at 10:00 p.m. and not turned on again until 7:00 a.m., except for minimum lighting needed for security. Each fixture used for security lighting shall not exceed 1,100 lumens (15 LED watts), or the net effect of lighting used for security shall not exceed 1,100 lumens (15 LED watts) per fixture.

~~I~~C. Sound. In addition to MICC 8.24.020(R), the following standards apply:

1. There shall be no outdoor sound amplification between the hours of ~~9~~ 7:00 p.m. and ~~9~~ 7:00 a.m. on Mondays through Fridays, and between the hours of 6:00 p.m. and 9:00 a.m. on Saturdays. Outdoor amplification shall be prohibited at any time of day on Sundays and legal holidays. Amplified sound is any sound created or enhanced by the use of sound-amplifying equipment. Sound amplifying equipment is any machine or device that can be used for the amplification of the human voice, music or any other sound.

2. Delivery vehicles and buses shall not idle while on the premises.

~~K~~D**.** Signs. In addition to MICC 19.12.080, the following standards shall apply:

1. Signage shall be located at the entrance drive to each facility to clearly designate the path of entry.

2. Wayfinding signage within the property boundaries shall be provided for developments with multiple buildings.

3. Additional signage may be provided beyond that allowed pursuant to 19.12.080 if determined to be necessary to meet the requirements of a. and b. above. The design commission may require the location of additional signage to ensure adequate wayfinding.

4. Signage shall be adequately lit to ensure the visibility of informational and directional signage.

5. Signage illumination shall be shielded and directed to prevent glare or spillover lighting into streets, adjacent properties, or anywhere off site boundaries, and internal paths of travel.

~~L~~E. Vegetation Management, Fencing, Landscape Design and Outdoor Spaces. In addition to landscape design standards required by MICC 19.12.040 and tree regulations of chapter 19.10 MICC, the following standards shall apply:

1. Fences shall not exceed 6-feet in height within 10-feet of a property line.

2. Athletic facility fencing may be up to 30-feet in height as long as it is further than 5-feet from a non-residentially zoned property line and 20-feet from a residentially zoned property line or a street.

3. Utility and service area fencing may be up to 8-feet in height as long as it is further than 10-feet from a property line.

 4. Fences of solid materials such as wood or masonry type materials shall be screened with dense vegetation or other materials, so the fence is not visible from the property line.

5. All landscape areas shall be provided with an automatic irrigation system designed to provide adequate coverage and to minimize overspray onto structures, roads, walks, and windows. Water conserving types of irrigation systems shall be used.

6. Mature existing healthy trees shall be preserved to the maximum extent feasible.

7. Performance guarantees to ensure maintenance of required landscaping may be required pursuant to MICC 19.01.060.

8. Screening is required to minimize the visual appearance of community facilities from residential neighborhoods. Screening may include, but is not be limited to, retention of vegetation, planting of new vegetation, use of berms, and fencing.

9. On-site utilities, including power lines, shall be undergrounded.

10. All outdoor storage shall be screened.

F. *(This is a placeholder for discussion)Temporary Athletic Facility Covers*

*1. Temporary athletic facility covers used to cover tennis courts, swimming pools, and other similar athletic facilities shall be allowed if they meet the following criteria:*

*a. Temporary athletic facility covers shall not exceed 40-feet in height. No modification to this height may be allowed; and*

*b. Temporary athletic facility covers shall be located at least 20-feet from residentially zoned property lines and adjacent to streets and 5-feet from non-residentially zoned property lines; and*

*c. Temporary athletic facility covers shall be located over existing lot coverage or hardscape; and.*

*d. Temporary athletic facility covers shall be in use for no more than 6 months per calendar year.*

~~M~~G. Green building. Any new construction greater than 10,000 square feet, cumulative of all structures on site, shall meet the LEED Gold standard or equivalent rating.

1. The applicant shall provide proof of LEED certification within 180 days of issuance of a final certificate of occupancy, or such later date as may be allowed by the code official for good cause, by submitting a report analyzing the extent credits were earned toward such rating. Failure to submit a timely report regarding LEED ratings by the date required is a violation of this code.

~~J~~H. Vehicle and Pedestrian Circulation. In addition to MICC 19.12.050, the following shall apply. New development proposals shall provide vehicle and pedestrian circulation plan that addresses, at a minimum, the requirements of this subsection.

1. Vehicle Access. Vehicle access shall be designed to comply with the following:

a. The primary vehicle access shall be located to minimize impacts to adjacent residential neighborhoods, using the following order of preference:

(i). An existing traffic light-controlled intersection;

(ii). Arterial streets; or

(iii). Local streets, where a property is not adjacent to an arterial street or where access onto an arterial street is infeasible or hazardous and the hazard cannot be sufficiently mitigated.

b. Secondary fire access, if required, shall be located to minimize impacts to adjacent residential neighborhoods using the order of preference in subsection (a).

2. On-site circulation.

a. Internal circulation for all users including drivers, bicyclists, and pedestrians shall be designed to move them safely and efficiently. Signage, pavement marking, illumination, sidewalks/paths, crosswalks, parking lots, and driveways could be used to ensure safe and efficient on-site circulation.

b. Vehicle drop off and pick up facilities shall be provided entirely on-site including vehicle queues.

c. All developments shall provide for pedestrian access including pedestrian walkways, sidewalks, and/or paths. Pedestrian improvements should be separated from vehicular areas by physical barriers such as curbs or landscaping.

d. Proposed development should be linked to existing and planned walkways and trails. Entrances of all buildings should be linked to each other and to public ways and parking lots. Where possible and feasible, the pedestrian system shall connect to public paths or sidewalks on neighboring properties. The pedestrian system shall minimize the need for pedestrians to cross vehicle traffic, leveraging paths to sidewalks on neighboring streets.

e. Internal walkways shall minimize use of driving areas as walking routes.

3.Off-site circulation.

a. When Community Facilities are bisected by right-of-way or private property, the facilities shall include safe and efficient connections for motorized and non-motorized vehicles and pedestrians. Public street, intersection, bike lane and/or sidewalk improvements ~~could be used~~ shall be considered and used when appropriate to ensure safe and efficient off-site circulation.

b. When Community Facilities and/or associated parking facilities result in pedestrians or non-motorized vehicles crossing public or private streets, bicycle lanes, crosswalk improvements, and/or enhancements to existing crosswalks must be provided if determined to be necessary by the city engineer.

c. Minimize the impacts of traffic, parking, and queuing through implementation of transportation demand management.

d. Off-site improvements shall be coordinated as required with local, state and federal agencies.

~~N~~I. Parking

1. The following parking requirements apply to all uses in the CF zones.

2. General Requirements.

a. Surfacing and Grading. All off-street parking areas shall be graded and surfaced ~~to a standard comparable~~ to providean all-weather approach ~~to~~ from the street which serves the parking area. Gravel is prohibited within the approach area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued.

b. Traffic Control Devices. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking area shall use paint or similar devices to delineate parking stalls and directional arrows.

c. Design. Parking lot design should conform to the diagrams set out in Appendix A of this development code, unless alternative design standards are approved by the design commission and city engineer.

d. Location. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served; except, that off-street parking may be located in an area beginning within 500 feet of the front entrance of the building to be served; provided, there are no intersecting streets between the parking area and building to be served.

e. Ingress and Egress. The city engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

f. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.

g. Compact Vehicles. Up to ~~50~~ 25 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

h. Loading Space. An off-street loading space, having access to a public street, shall be required adjacent to each building, hereafter erected or enlarged. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded, in connection with the business or businesses conducted in such building. No part of the truck or van using the loading space may project into the public right-of-way. For example, if a school requires the service of 10 buses, “adequate size” would result in enough space for 10 buses to park on the site at the same time.

~~i. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the city engineer and the design commission for projects reviewable by the design commission.~~

3. ~~Minimum Parking Requirements for Specific Uses~~ Parking Required. ~~A use which is similar to any of the below-referenced uses shall adhere to the minimum parking requirements for the referenced use or uses. The design commission shall determine the minimum parking requirements for a use in a community facility~~~~zone that is not referenced in this section.~~ The applicant shall provide on-site parking and a parking management plan based upon a detailed parking analysis prepared by a professional traffic engineer, which shall establish required parking based on:

a. The forecast daily parking demand and occupancy of the master planned site;

b. A Parking Demand Management Plan that addresses the mix of uses on-site, shared parking, and programmed parking demand management.

c. The proposed on-site parking and parking demand management plan must accommodate all planned activities including special events and include measures that ensure parking capacity will not be exceeded.

~~a. Day care and preschool~~~~facilities shall provide two parking spaces, plus one parking space for each employee and shall provide adequate off-street loading and unloading facilities taking into consideration the expected number of children or adults being cared for, the location of the facility, and the traffic on adjacent streets.~~

~~b. Equestrian riding academies in CF zones shall provide a minimum ratio of one parking pace per employee plus one parking space per 1,000 square feet of riding arena. The parking plan must delineate trailer parking areas and an emergency access route.~~

~~c. Places of worship shall provide one parking space for every five seats in the chapel, nave, sanctuary, or similar worship area. Bicycle parking should be provided at a rate of 1 bike stall per every 30 seats in the chapel, nave, sanctuary, or similar worship area.~~

~~d. Private schools shall provide at a minimum three off-street parking spaces per classroom plus one parking space per 50 square feet of gathering room such as an auditorium or gymnasium. High schools shall provide an additional one parking space per 10 high school students. Additional parking spaces may be required if deemed necessary by design commission review or SEPA review. Adequate off-street loading and unloading facilities shall be provided as determined by the city engineer. Bicycle parking shall be provided at a rate of 1 bike stall per every 10 students.~~

e. Special Event Parking. Parking shall be provided for special events to prevent the spill-over of vehicles onto adjacent streets. Parking may be provided on-site or may be provided at on off-site location when using a parking shuttle or when the off-site location is within a two block radius and the facility is connected to the off-site parking by a walking path. Special event parking may be allowed on athletic facilities or other hardened surfaces if approved by the design commission.

f. Determination for development with multiple uses. For sites containing one or more uses, ~~the code official shall have the final authority to determine~~ the number of parking stalls required ~~to accommodate~~ shall be based on the typical daily peak parking demand ~~based upon the applicant’s submittal of a~~ described in the detailed parking analysis and supporting documentation.

~~5~~4. Shared Parking

a. The amount of off-street parking required in subsection (P)(3) of this section may be reduced ~~by no more than 25 percent~~ per the approved detailed parking analysis, when shared off-street parking facilities for two or more uses are proposed. ~~A Parking Demand Management Plan shall be prepared by a professional traffic engineer and submitted by the applicant that documents parking demand for all land uses and supports the parking reduction.~~

b. The determination whether shared parking will be allowed shall occur at the time the shared parking is proposed and when a change of use occurs. When a change of use occurs, the parking requirements shall be met.

c. If shared parking is requested, the parking facilities for the multiple uses shall be designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities. If off-site facilities are used, all facilities shall be connected with improved pedestrian facilities that will be adequately lit and no building or use should be more than 300 feet walking distance from the most remote shared parking facility.

d. If the shared parking is on one or more properties, a covenant or other contract for shared parking between the cooperating property owners must be approved by the code official. This covenant or contract shall be recorded with the King County as a deed restriction on all properties and cannot be modified or revoked without the consent of the code official.

e. If requirements for shared parking are violated, or the parking demand for shared parking exceeds the shared parking supply, the parties shall provide a remedy satisfactory to the code official or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

6. Electric Vehicle Parking. At least 5% of all parking stalls required by this section shall be designated for and provide the infrastructure for electric vehicles.

7. Review of Parking. If the required amount of parking required by this section is found to be inadequate due to overflow of parking onto adjacent streets occurring once a month or more often, additional review of parking shall be required. The facility shall ~~provide additional parking~~ be required to implement a planin accordance with a parking study to prevent frequent overflow of parking.

~~O. Master Plan~~

~~A master plan is a dynamic long-term planning document that provides an overall layout to guide future development of a site and ensure thorough and well-designed site development.~~

1. ~~Applicability.~~
	1. ~~Any development proposal site or collection of sites with a gross area of more than five acres shall obtain a Master Plan approval.~~
	2. ~~Development proposals that include a mix of uses shall obtain a Master Plan approval.~~
	3. ~~Development proposals that do not otherwise require a Master Plan may voluntarily apply for a Master Plan approval.~~
2. ~~Review Procedure. Master plan approval will be subject to the process defined in MICC 19.15.280, provided the Master Plan shall be approved concurrent with, or prior to, other required land use review approvals.~~
3. ~~Master Plan – Flexible Development Standards. The design commission may modify or grant exceptions to the requirements of this chapter if it is determined that the exception will result in a development that is more consistent with the purpose of this section, or provide equal or greater protection to the adjacent properties or nearby community or provide significant public benefit as provided in (4) below, and further provided as follows:~~
	1. ~~Properties utilizing master plans can consider the entirety of all properties that are part of the master plan to calculate metrics that are based on lot area (e.g. lot coverage and gross floor area).~~
	2. ~~Setbacks shall not be reduced more than 50% or 20-feet, whichever is greater.~~
	3. ~~Lot coverage shall not be increased to more than 80% of the lot area.~~
	4. ~~Within reduced setbacks, lot coverage shall not exceed 40%.~~
	5. ~~Gross floor area within reduced setbacks shall not exceed 15% of the lot area within the reduced setback area.~~
4. ~~Public benefits should consider and be appropriate for the site as determined by the design commission. Appropriateness may be determined by factors unique to each site such as the size of the site, the proposed intensity of use, or the proximity of adjacent residential uses. Public benefits may include the following:~~
	1. ~~Underground parking garage;~~
	2. ~~Screening of parking; or~~
	3. ~~Mitigating the impacts resulting from development in the Community Facility zone and existing traffic.~~
	4. ~~Addressing conflicts between off-site motorized and non-motorized transportation.~~
5. ~~Site plan requirements. The master planning site plans must contain the following elements:~~
6. ~~Surrounding streets and properties.~~
7. ~~Dimensions of the property and all property lines.~~
8. ~~Existing and proposed structures and uses.~~
9. ~~Topography.~~
10. ~~Critical areas including geologic hazard areas, watercourses, wetlands, wildlife conservation areas, and critical area recharge areas (CARA’s).~~
11. ~~Shoreline areas (areas within 200-feet of Lake Washington).~~
12. ~~Trees and vegetated areas.~~
13. ~~Landscape plan.~~
14. ~~Easements and native growth protection areas (NGPA’s).~~
15. ~~Existing and proposed circulation information including ingress and egress ways, and internal drives, paths, and parking areas. Circulation plans shall include vehicular, bicycle and pedestrian circulation information.~~
16. ~~Existing and proposed utility information including type of utility, size, material, and condition (if known) of each utility.~~
17. ~~Existing and proposed lighting including type of light, height, lumens, direction, shielding, cut-off, etc.~~
18. ~~Criteria for approval. The city will evaluate master plan applications and approve them provided that they meet the following criteria:~~
19. ~~The applicable requirements of this code section~~
20. ~~The applicable requirements of chapter 19.12 MICC that have not been exempted pursuant to, or superseded by, this code section.~~
21. ~~The applicable design review approval criteria and vision of MICC 19.06.120(B).~~
22. ~~The city’s tree regulations of chapter 19.10 MICC.~~
23. ~~The standards and plans for roadways, stormwater and construction of 19.15, 19.16, and 19.17 MICC.~~
24. ~~The applicable requirements of the Pedestrian and Bicycle Facilities (PBF) Plan.~~
25. ~~The applicable requirements of parks open space and trails plans.~~
26. ~~The purpose statement of in subsection (A).~~
27. ~~Limitation to plan approval.~~
28. ~~A master plan without a phasing plan shall be null and void if the applicant fails to file a complete building application(s) for all buildings within three years of the approval date, or by a date specified by the code official, and fails to have all building permits issued within four years of the master plan approval date; or~~
29. ~~A master plan approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.~~
30. ~~Phasing Plan. The phasing plan is intended to allow for the long term redevelopment of a master planned site over several phases, while ensuring that necessary improvements are completed with each phase.  A phasing plan approved with a master plan shall include the following at a minimum:~~
31. ~~Identification of each major phase of the project numerically in sequential manner (e.g. phase 1, 2, 3, etc.).  For the purposes of this section, the phrase “major phases of the project” is intended to identify one or more private development improvements that are physically or geographically related, together with necessary supporting infrastructure and required site improvements (e.g. landscaping buffers, pedestrian or vehicle improvements, etc.)~~
32. ~~The proposed timing for the initiation of each phase, identification of known applications for permit or land use approval associated with each phase, and the anticipated completion date of each phase.~~
33. ~~The scope of work to be completed in each phase (e.g. building construction, utility improvements, required on- and off-site improvements, etc).~~
34. ~~A discussion of contingency planning in the event that any single phase cannot be completed on time and corrective steps necessary to address otherwise un-addressed resulting impacts.~~
35. ~~Other information related to completion of the proposed master plan, as required by the Design Commission in their review and approval of the phasing plan.~~

**Revisions to other code sections:**

Deleted language is ~~crossed out~~. New language is underlined. New language added since the first draft is *italicized* and underlined.

**7.04.250** Equestrian Riding Academies

A. Dimensional requirements and number of horses allowed.

1. The minimum land area for equestrian riding academies shall be no less than four acres.

2. There shall be not less than ten thousand square feet of animal harboring area for maintaining and pasturing the first horse on any property, and an additional five thousand square feet for each additional horse. The harboring area may contain accessory buildings for the sheltering and maintaining of horses and associated equipment.

B. General. Any property owner or occupant of property (hereafter in this section referred to as “person”) in which horses are harbored shall comply with the following requirements:

1. The animals shall be supplied with sufficiently good wholesome food, clean water, and proper shelter from the weather.

2. The property shall be kept in a sanitary and neat condition including, but not limited to, disposal of manure or other waste material from the animals. The animal control authority shall determine whether the property is maintained in a sanitary and neat condition. An unreasonable accumulation of flies or other insects or pests within the property, noxious or offensive odors, or unreasonable accumulation of flies, insects or other pests transcending into neighboring or vicinal property shall be presumed to be an inadequate sanitary and neat condition.

3. Sheds or shelters shall be kept free from rodents and shall be bedded daily with a fresh covering of straw, wood shavings, corn cobs, or other approved material.

4. Spillage and leftovers from feedings shall be removed and disposed of to prevent flies, rodents, and odors.

5. No animal sheds, shelters, pens or enclosures shall be kept within a one-hundred-foot radius of a well, nor shall they be located over a septic drainfield.

6. Drinking facilities shall have adequate overflow drainage to prevent saturation of surrounding soil.

7. In order to prevent insect and odor problems, manure must be collected on a regular basis (at least once per week), placed in concrete or metal fly-proof containers, and removed from the property at least once a week.

8. Pen fences, corral fences or similar enclosures must be of sufficient height and strength to retain horses.

9. The harboring of horses within the vicinity of any stream, water body, wetland, or environmentally critical area must comply with applicable requirements of MICC Chapter 19.07, and fencing shall be provided to prohibit access by the animals to these areas. The portion of the property within a “critical area” as defined in MICC 19.07 shall not be included in the calculation of the minimum area for the number of horses allowed on the property.

10. Sanitary surfacing, such as wood chips, sand or gravel shall be placed on wet or muddy portions of the premises used by horses. Runoff from overgrazed soil is prohibited.

11. Untreated runoff from the property is prohibited and shall be mitigated pursuant to MICC 15.09.

12. The harboring of horses must comply with applicable requirements of MICC Chapter 15.14 to protect the public water system from the risk of contamination due to backflow through cross-connections.

13. The harboring of horses shall conform to all regulations of local and state health authorities.

14. After reasonable request by the city or other local and state health authorities, properties housing horses shall be subject to inspection by the city or other local and state health authorities.

15. The harboring of horses at the time of adoption of this chapter that does not meet the dimensional requirements of this chapter may continue, unless the city or the animal control authority determines that the harboring of animals is a nuisance or is not in the interest of the public health, safety and welfare of either persons or the horses. The burden of proof shall be on the property owner or occupier to show that the horses were housed on the property prior to adoption of this chapter, and that the horses are harbored consistent with the city and applicable local and state regulations then in effect.

16. Existing land owners, tenants or occupants who are found to be harboring horses prior to the adoption of this title must prepare and obtain approval from the city of a pasture/waste management plan if the city or the animal control authority finds areas of concentrated use, erosion or adverse impact on water quality due to the harboring.

1. Pasture/Waste Management Plan

1. A pasture/waste management plan shall be submitted to and approved by the city for code official review wherever an owner, tenant or occupant plans to establish or expand an equestrian riding academy. An expansion would be removal of vegetation to create more pasture or riding area or expansion of or construction of new structures such as new riding arenas or barns, totaling 1,000 square feet or more.

a. The plan shall be prepared by, or reviewed and approved by, a qualified professional.

b. The plan shall regulate the maximum animals supportable on the property, set forth minimum agricultural practices for each property and follow guidelines set forth by the King Conservation District.

c. The plan shall be effective for a period of up to five years, subject to mandatory modification and reissue where the areas of concentrated use are found to be developing.

d. The plan should consider and address at a minimum the following factors: soil fertility, type of forage, seasonal growth rate of the vegetation, type of animal and animal needs, amount of supplemental feed, pasture rotation, use of confined areas in winter to reduce compaction and stress on poorer grasses and use of buffer zones and restricted accesses around water courses.

e. The owner, tenant or occupant shall submit a proposed modification to the plan for a change in the number or size of animals or any evidence of areas of concentrated use, for review and approval by the city.

f. Fees for the pasture/waste management review and for any plan modification review shall be established by city council resolution. The fees shall be in addition to any applicable license, plan, or permit fees under this title.

g. It shall be a condition of any pasture/waste management plan that the property shall be subject to follow-up inspections.

h. If the city determines that the terms and conditions of an approved pasture/waste management plan have been violated, the city may revoke the pasture/waste management plan and the owner, tenant or occupant shall be deemed to have violated this title.

i. Any person whose pasture/waste management plan approval is revoked shall within ten days thereafter humanely dispose of all horses by removing them from the property for which a pasture/waste management plan is required. No part of the plan review fees shall be refunded.

D. Structures.

1. Shelter buildings shall comply with the height and lot coverage criteria in MICC 19.04.060(G) and (H) and the building code requirements of MICC Title 17. A shelter building shall consist at a minimum of a roof and three walls, shall prevent the intrusion of wind and rain, shall provide adequate protection from heat and cold, and shall be adequately sized to permit animals to move about freely. Shelters shall be located at least twenty-five feet from front property lines and at least fifteen feet from side and rear property lines.

2. Covered riding areas shall comply with the height and lot coverage criteria in MICC 19.04.060(G) and (H) and the building code requirements of MICC Title 17. Covered riding areas shall be located at least fifteen feet from all property lines.

3. Other structures. Other structures shall meet the requirements of this MICC 19.04.060(F) through (H) and the building code requirements of MICC Title 17.

**17.07.010 Adoption.**

This section is included in your selections.

The 2015 Edition of the International Fire Code (IFC), as adopted and amended by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, is adopted by reference, together with the amendments and additions set forth below. The codes, appendices, and standards set forth in this chapter shall be filed with the city clerk and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140.

The following appendices of the 2015 Edition of the International Fire Code are also adopted by reference: Appendix B – Fire-Flow Requirements for Buildings; Appendix C – Fire Hydrant Locations and Distribution; Appendix D – Fire Apparatus Access Roads; and Appendix J – Building Information Sign.

The geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Zones TC, MF-2, MF-3*,* ~~and~~ PI *and CF* as defined in MICC Title 19, Unified Land Development Code.

The 2015 International Wildland Urban Interface Code is included in this code as Section 8100 with amendments found in Appendix Chapter K.

Exceptions. The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under Chapter 70.114A RCW or Chapter 37, Laws of 1998 (2SSB 6168). “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110. The manufacture, storage, handling, sale and use of fireworks shall be governed by Chapter 70.77 RCW and by Chapter 212-17 WAC and local ordinances consistent with Chapter 212-17 WAC. (Ord. 18C-05 § 1 (Att. A); Ord. 16C-04 § 7; Ord. 13C-06 § 7; Ord. 10C-03 § 7; Ord. 07C-04 § 8; Ord. 04C-12 § 4).

**17.14.010 Adoption.**

105.6 Construction management plan and construction schedule.

1. Every permit issued for the construction of a new single family home or development in the community facility zone with a gross floor area of more than 6,000 square feet, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.

2. Every permit issued for the remodel or addition to a single family home or development in the community facility zone that will result in the modification of more than 6,000 square feet gross floor area, or the addition of more than 3,000 square feet gross floor area, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.

3. The construction management plan 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 to identify and establish appropriate mitigation measures for construction related impacts.

4. The construction schedule shall identify major milestones, anticipated future phases, and anticipated completion dates. The construction schedule shall establish a timeline for completion of exterior and interior building related construction activity and site work. The construction schedule shall incorporate appropriate measures to address unforeseeable delays and shall provide for contingencies. The building official may require additional information or revisions to the construction schedule.

5. The building official is authorized to take corrective measures as needed to ensure adherence to the approved construction management plan and construction schedule.

6. The following requirements apply to development occurring in the CF zone in addition to the requirements above:

a. Security shall be provided for construction sites during idle hours. Security may include any combination of the following: fencing, lighting, security personnel, or signage that restricts entry.

b. At least one week prior to the beginning of construction, neighbors within a radius of 300 feet shall be provided notice that construction will begin and that an approved construction management plan along with a communication plan is available by request. For this requirement, construction means any work that requires a permit including but not limited to grading, vegetation removal, or the demolition, alteration, or new construction of a structure or flatwork.

**19.01.040 Zone establishment.**

**A. Zone Symbol**

 Single-Family R-8.4

 Single-Family R-8.4

 Single-Family R-8.4

 Single-Family R-8.4

 Multiple-Family MF-2L

 Multiple-Family MF-2L

 Multiple-Family MF-2L

 Business B

 Planned Business PBZ

 Commercial Offices C-O

 Public Institution PI

 Town Center TC

 Community Facility CF

**Chapter 19.04**

**COMMERCIAL *AND COMMUNITY FACILITIES***

Sections:

19.04.010 Planned Business Zone – PBZ.

19.04.020 Commercial Offices.

*19.04.030 Repealed.*

19.04.040 Parking Requirements.

19.04.050 Business – B

19.04.060 Community Facility - CF

**19.10.060 Tree removal – Associated with a development proposal**

**B. Commercial or Multifamily Zoning Designations – Tree Removal**

1. In the PI. B. C-O, PBZ, TC, MF-2, MF-2L, ~~and~~ MF-3, and CF zoning designations a tree permit is required and will be granted if it meets any of the following criteria:

**~~19.12.040(B)(4)(a)(vi)~~**

~~Community Facilities (CF). In Community facilities zones, a minimum of 35 percent of the gross lot area shall be landscaped.~~

**~~19.12.040(B)(7)(a)~~**

~~Required Screen Types and Widths. The following screen types and widths should be used:~~

| **~~Use~~**  | **~~Adjacent to~~**  | **~~Screen Type and Width~~**  |
| --- | --- | --- |
|  | **~~Full~~**  | **~~Partial~~**  | **~~Filtered~~**  |
|  |  |  |  |  |
| ~~Institutional Use, or Public Facility,~~ *~~or uses inside a CF zone~~* | ~~Public Way~~ |  | ~~20 feet~~~~1, 2~~ |  |
| ~~Public Schools~~ | ~~Public Way~~ |  | ~~20 feet~~~~1~~ |  |
| ~~Public Schools~~ *~~or uses inside a CF zone~~* | ~~Single-Family Residential~~ | ~~20 feet~~~~1, 3, 4~~ |  |  |
| ~~Utility Development~~  | ~~Public Way~~ |  | ~~10 feet~~ |  |
| ~~Commercial or Multifamily outside of C-O Zone~~ | ~~Public Way~~ |  |  | ~~10 feet~~ |
| ~~All uses inside of C-O Zone~~ | ~~Public Way~~ |  | ~~20 feet~~ |  |
| ~~Commercial, Institutional, Utility or Public~~ ~~.~~ | ~~Residential (Single or Multifamily)~~ | ~~20 feet~~~~1~~ |  |  |
| ~~Institutional, Commercial, Utility, Public Facility~~  |  | ~~10 feet~~ |  |
| ~~Public Park~~  | ~~20 feet~~ |  |  |
| ~~Multifamily Development~~  | ~~Single-Family Residential~~ |  | ~~20 feet~~ |  |
|  | ~~Multifamily Residential~~ |  | ~~10 feet~~ |  |
|  | ~~Institutional, Commercial, Utility, or Public Facility~~  |  | ~~10 feet~~ |  |
|  | ~~Public Park~~  | ~~20 feet~~ |  |  |
| ~~All other private uses~~ | ~~Public Park~~  | ~~20 feet~~ |  |  |
| *~~Uses inside a CF zone~~* | *~~Multifamily Residential~~* | *~~20 feet~~* |  |  |

~~1~~~~Breaks in full or partial screen planting may be allowed for institutional and public facilities to create focal points, preserve views, and highlight the prominence of important buildings.~~

~~2~~~~Perimeter landscape requirements may be modified if necessary to enable an existing public facility to make safety-related improvements to a legally nonconforming parking lot.~~

~~3~~~~School bus and student loading and unloading and primary parking areas located 100 feet or less from an abutting single-family zoned property shall provide a 30-foot-wide full screen. The number of trees required in the 30-foot-wide full screen area shall be 1.25 times the number otherwise required for a full screen. The design commission may modify screening width, location, height and number of trees to avoid casting shadows on adjacent residential properties or to accommodate existing storm detention systems and utilities.~~

~~4~~~~Owners of adjacent single-family zoned property shall be consulted on perimeter screen design and planting materials.~~

**19.15.200 Revisions**

D. Revision to master plans are as follows:

1. The code official will determine whether a subsequent development permit is consistent with the applicable master plan by determining if the scope of work in the application is consistent with the master plan. If the application proposal meets, or exceeds, the master plan’s conformance to the criteria of the code section that are applicable to the master plan and supports coordinated infrastructure construction and compatible development, the application will be considered to be in conformance with the master plan.
2. In addition, the code official will review the application to ensure that the application does not trigger any of the following:

a. Increase the total lot coverage identified in the master plan.

b. Result in an amount of parking not in compliance with the master plan.

c. Increase the a.m. or p.m. peak hour trips by ten percent or more.

d. Increase the quantity of imported or exported materials by ten percent or more, or more than 500 cubic yards, or increase the area of excavation or vegetation removal.

3. Modifications that exceed the thresholds as set forth in this section, require a new review or revised master plan for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

**19.15.280 Master Planning**

A. In addition to the steps required by the Type IV permit process, the following actions shall be taken:

1. After the public comment period and prior to the design commission meeting, the applicant shall conduct community outreach. The purpose of the community outreach is to obtain input from the surrounding community. The applicant shall make provision for written comments and provide a copy to the Design Commission for consideration in reviewing the Master Plan application.

2. Community outreach meeting notices shall be provided a minimum of thirty days prior to each meeting.

3. Community outreach meeting notices shall be provided in the weekly DSG bulletin and mailed to all property owners within 300 feet of the property.

4. At least two public outreach meetings will be conducted by the applicant.

5. At least one meeting shall occur with a starting time between 7:00 p.m. and 8:00 p.m. on a weekday or shall occur on a non-holiday weekend.

~~4~~ 6. The format of the meetings shall be decided by the code official and should be appropriate for the type of proposed communityfacility and the expected number of attendees.

**19.16**

Appurtenance:

* 1. Town Center*,* ~~and~~ Multifamily, and Community Facility Zones: A subordinate element added to a structure which is necessarily connected to its use and is not intended for human habitation or for any commercial purpose, other than the mechanical needs of the building, such as areas for mechanical and elevator equipment, chimneys, antennas, communication facilities, smoke and ventilation stacks.

Community facility: A facility such as a private school, place of worship, , not for profit cultural or recreational facility, noncommercial recreational area, and equestrian facility. Community facilities should support the physical, mental, spiritual, social, or cultural health of the Mercer Island community.

Equestrian Riding Academy: A school focused on horsemanship and equine riding styles and theory.

Lot Coverage, Maximum: The maximum area of a residentially or community facility zoned lot that may be covered by a combination of buildings and vehicular driving surfaces.

Noncommercial recreational area or facility: A recreational area or facility maintained and operated by a nonprofit club or organization ~~with specified limitations upon the number of members or limited to residents of a block, subdivision, neighborhood, community or other specific area of residence~~ for the exclusive use of members and their guests. A noncommercial recreational area or facility may provide recreational opportunities or cultural activities such as classes, lectures, and arts.

Non-motorized vehicle: A vehicle not equipped with a motor. Non-motorized vehicles exclude electric

bikes, scooters, hoverboards, and other types of small vehicles.

Private school: A school that is established, conducted, and primarily supported by a nongovernmental agency and that is accredited or approved by the state for compulsory school attendance.

Qualified professional (equestrian): An employee of the King Conservation District whose job title allows them to develop a pasture/waste management plan, or a veterinarian specializing in the care of horses who has a current license to practice veterinary medicine in the state of Washington.

Setback: Space that is required to be left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that is required to remain unobstructed from the ground to the sky except where specifically provided by this code. Except as otherwise specified, the edge of the setback is measured from a fixed point or line on the lot such as the edge of an easement that affords or could be capable of affording vehicular access, or from a property line.