

# ZTR19-001 Minor Code Amendments

## Item A

1 MICC 19.02.020

2 C. Yard Requirements.

3 1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and side  
4 yards not less than the depths or widths following:

5 a. Front yard depth: 20 feet or more.

6 b. Rear yard depth: 25 feet or more.

7 c. Side yards shall be provided as follows:

8 i. ~~Total Depth~~Width.

9 (a) For lots with a lot width of 90 feet or less, the sum of the side yards' ~~depth~~width  
10 shall be at least 15 feet.

11 (b) For lots with a lot width of more than 90 feet, the sum of the side yards' ~~depth~~  
12 width shall be a width that is equal to at least 17 percent of the lot width.

13 ii. Minimum Side Yard Depth. The minimum side yard width is five feet or 33 percent of  
14 the aggregate side yard total width, whichever is greater.

# ZTR19-001 Minor Code Amendments

## Item B

1 MICC 19.02.020

2 C. Yard Requirements

3 [...]

4 3. Intrusions into Required Yards.

5 a. Minor Building Elements.

6 i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and  
7 fireplace extensions, window wells, and unroofed, unenclosed outside stairways and  
8 decks shall not project more than three feet into any required yard. Eaves shall not  
9 protrude more than 18 inches into any required yard.

10 ii. No penetration shall be allowed into the minimum side yard setback abutting an interior  
11 lot line except where an existing flat-roofed house has been built to within 18 inches of  
12 the interior side yard setback line and the roof is changed to a pitched roof with a  
13 ~~minimum pitch of 2:12 or steeper~~ 4:12, the eaves up to 18 inches may penetrate ~~up to~~  
14 ~~18 inches~~ into the side yard setback.

15

# ZTR19-001 Minor Code Amendments

## Item C

1 MICC 19.02.020

2 C. Yard Requirements

3 3. Intrusions into Required Yards.

4 a. Minor Building Elements.

5 i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and  
6 fireplace extensions, window wells, and unroofed, unenclosed outside stairways and  
7 decks shall not project more than three feet into any required yard. Eaves shall not  
8 protrude more than 18 inches into any required yard.

9 ii. No penetration shall be allowed into the minimum side yard setback abutting an interior  
10 lot line except where an existing flat-roofed house has been built to the interior side  
11 yard setback line and the roof is changed to a pitched roof with a minimum pitch of  
12 4:12, the eaves may penetrate up to 18 inches into the side yard setback.

13 b. Hardscape and Driveways.

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

18

19

# ZTR19-001 Minor Code Amendments

## Item D

1 MICC 19.03.010

2 E. Building Height Limit.

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

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

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

10 a. No building shall exceed 30 feet in height above the average building elevation to the  
11 highest point of the roof; and

12 b. The maximum building facade height on the downhill side of a sloping lot shall not  
13 exceed 30 feet in height. The building facade height shall be measured from the existing  
14 grade or finished grade, whichever is lower, at the furthest downhill extent of the  
15 proposed building, to the top of the exterior wall facade supporting the roof framing,  
16 rafters, trusses, etc.

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

19

20 [...]

21 MICC 19.04.010

22 E. Development Standards – Nonresidential.

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

25

26 2. Minimum Parcel Area Requirements. There shall be no minimum parcel size for nonresidential  
27 uses.

28

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

31 F. Development Standards – Residential.

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

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

# ZTR19-001 Minor Code Amendments

## Item D

1 [...]

2 MICC 19.04.020

3 Building Height Limit.

4 1. Structures shall not exceed 36 feet in height, calculated using the method described in MICC  
5 19.11.030(A)(3).

6 [...]

7 MICC 19.04.050

8 [..]

9 D. Building Height Limit. Maximum allowable building height shall be the lesser of 1) three stories or 2)  
10 36 feet, -calculated using the method described in MICC 19.11.030(A)(3). ~~whichever is less.~~

11

# ZTR19-001 Minor Code Amendments

## Item E

1 MICC 19.09.100

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

5

# ZTR19-001 Minor Code Amendments

## Item F

1 MICC 19.15.030 Table A

Type I	Type II	Type III	Type IV
<b>Table A. Land Use Review Type</b>			
<ul style="list-style-type: none"> <li>• Home business</li> <li>• Seasonal development limitation waiver</li> <li>• Nonmajor single-family dwelling building permits</li> <li>• Tree removal permit</li> <li>• Right-of-way permit</li> <li>• Special needs group housing safety determination</li> <li>• Tenant improvement/change of use</li> <li>• Shoreline exemption<sup>1</sup></li> <li>• Critical areas determination (steep slope alteration)</li> <li>• Final short plat</li> <li>• Temporary commerce on public property</li> <li>• Site development permits</li> <li>• Transportation concurrency certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Modified wireless communication facilities (6409 per 47CFR 1.40001)</li> <li>• Lot line revision</li> <li>• Setback deviations</li> <li>• Final plat<sup>2,3</sup></li> <li>• Code official design review</li> <li>• Accessory dwelling unit</li> <li>• <u>Parking variances modification</u> (reviewed by city engineer)</li> </ul>	<ul style="list-style-type: none"> <li>• New and modified wireless (non-6409) eligible facility</li> <li>• SEPA threshold determination</li> <li>• Critical areas determination (wetland/watercourse buffer averaging/reduction)</li> <li>• Temporary encampment<sup>4</sup></li> <li>• Short plat alteration and vacations</li> <li>• Preliminary short plat</li> <li>• Development code interpretations</li> <li>• Major single-family dwelling building permit<sup>5</sup></li> <li>• Shoreline substantial</li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary long plat approval</li> <li>• Conditional use permit</li> <li>• Variance</li> <li>• Critical areas reasonable use exception</li> <li>• Long plat alteration and vacations</li> <li>• Parking variances (reviewed by design commission)</li> <li>• Variance from short plat acreage limitation</li> <li>• Wireless communication facility height variance</li> <li>• Planned unit development</li> <li>• Design commission design review</li> <li>• Permanent commerce on public property</li> </ul>

# ZTR19-001 Minor Code Amendments

Item F

Type I	Type II	Type III	Type IV
<b>Table A. Land Use Review Type</b>			
		development per mit <sup>1</sup>	• Shoreline conditional use permit (SCUP) <sup>6</sup>
		• Shoreline revision (substantial development) <sup>1</sup>	• Shoreline variance <sup>6</sup> • Shoreline revision (variance and SCUP)

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2  
3



# ZTR19-001 Minor Code Amendments

## Item G

1 MICC 19.15.110

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

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

18

# ZTR19-001 Minor Code Amendments

## Item H

1 MICC 19.15.220

2 C. Design Review Procedure.

3 1. General.

4 a. Intent. The intent of the design review process is to ensure that regulated development in  
5 all land use zones complies with design objectives and standards established in Chapters  
6 19.11 and 19.12 MICC.

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

16 c. Review Authority.

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

18 (a) New buildings;

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

20 (c) Any alterations to an existing building that will result in a change of 50 percent, or  
21 more, of the exterior surface area;

22 (d) Any alterations to a site, where the alteration will result in a change to the site  
23 design that affects more than 50 percent of the development proposal site; and

24 (e) Any alterations to existing facades, where the building is identified by the city as an  
25 historic structure.

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

32

## ZTR19-001 Minor Code Amendments

### Item I

1 MICC 19.16.010(L)

2 Lot, Irregular: A legally established lot that 1) is not rectangular and 2) does not meet minimum width,

3 depth, and area standards required by the zone in which the lot is located.

## ZTR19-001 Minor Code Amendments

### Item J

1 MICC 19.16.010(L)

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

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Minor Code Amendments  
Addendum

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ADMINISTRATION

- 19.15.230 Comprehensive plan amendments
- 19.15.250 Code amendment
- 19.15.260 Review procedures for comprehensive plan amendments, reclassification of property, and code amendments

“Normal Text” is existing code language  
“~~Strikethrough Text~~” is existing code language that will be deleted  
“Underline Text” is new code language that will be added  
“...” indicates that existing code language is omitted and will not be amended

1 **19.15.230 Comprehensive plan amendments and docketing procedures.**

2 ...

3 D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and  
4 maintaining a list of suggested changes to the comprehensive plan or code -in a manner that will ensure  
5 such suggested changes will be considered by the city and will be available for review by the public. The  
6 following process will be used to create the docket:

- 7 1. Preliminary Docket Review. By September 1, the city will issue notice of the annual  
8 comprehensive plan and code amendment cycle for the following calendar year. The  
9 amendment request deadline is October 1. Proposed amendment requests received after  
10 October 1 will not be considered for the following year's comprehensive plan and code  
11 amendment process but will be held for the next eligible comprehensive plan and code  
12 amendment process.
- 13 a. The code official shall compile and maintain for public review a list of suggested  
14 amendments and identified deficiencies as received throughout the year.
  - 15 b. The code official shall review all complete and timely filed applications proposing  
16 amendments to the comprehensive plan or code -and place these applications on the  
17 preliminary docket along with other city-initiated amendments to the comprehensive  
18 plan.
  - 19 c. The planning commission shall review the preliminary docket at a public meeting and  
20 make a recommendation on the preliminary docket to the city council each year.
  - 21 d. The city council shall review the preliminary docket at a public meeting. By  
22 December 31, the city council shall establish the final docket based on the criteria in  
23 subsection E of this section. Once approved, the final docket defines the work plan and  
24 resource needs for the following year's comprehensive plan amendments.

25 2. Final Docket Review.

- 26 a. Placement on the final docket does not mean a proposed amendment will be  
27 approved. The purpose of the final docket is to allow for further analysis and  
28 consideration by the city.
- 29 b. All items on the final docket shall be considered concurrently so that the cumulative  
30 effect of the various proposals can be ascertained. Proposed amendments may be  
31 considered at separate meetings or hearings, so long as the final action taken considers  
32 the cumulative effect of all proposed amendments to the comprehensive plan.
- 33 c. The code official shall review and assess the items placed on the final docket and  
34 prepare recommendations for each proposed amendment. The code official shall be  
35 responsible for developing an environmental review of the combined impacts of all  
36 proposed amendments on the final docket, except that applicants seeking a site-specific  
37 amendment shall be responsible for submittal of a SEPA environmental checklist and  
38 supporting information. The applicant will need to submit SEPA and any other  
39 accompanying legislative actions such as a rezone or a code amendment at this time.  
40 The code official may require an applicant to pay for peer review and/or additional  
41 resources needed to review the proposal. The code official shall set a date for  
42 consideration of the final docket by the planning commission and timely transmit the  
43 staff recommendation prior to the scheduled date.

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

6 e. After issuance of the planning commission's recommendation, the code official shall  
7 set a date for consideration of the final docket by the city council. The city council shall  
8 review the proposed amendments taking into consideration the recommendations of  
9 the planning commission and code official. The city council may deny, approve, or  
10 modify the planning commission's recommendations consistent with the criteria set  
11 forth in subsection (D)(1) of this section. The city council's establishment of a final  
12 docket of proposed amendments is not appealable.

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

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

17 1. The request has been filed in a timely manner, and either:

18 a. State law requires, or a decision of a court or administrative agency has directed,  
19 such a change; or

20 b. All of the following criteria are met:

21 i. The proposed amendment presents a matter appropriately addressed  
22 through the comprehensive plan or the code;

23 ii. The city can provide the resources, including staff and budget, necessary to  
24 review the proposal, or resources can be provided by an applicant for an  
25 amendment;

26 iii. The proposal does not raise policy or land use issues that are more  
27 appropriately addressed by an ongoing work program item approved by the city  
28 council;

29 iv. The proposal will serve the public interest by implementing specifically  
30 identified goals of the comprehensive plan or a new approach supporting the  
31 city's vision; and

32 v. The essential elements of the proposal and proposed outcome have not  
33 been considered by the city council in the last three years. This time limit may  
34 be waived by the city council if the proponent establishes that there exists a  
35 change in circumstances that justifies the need for the amendment.

36 ...

37

1  
2 **19.15.250 Code amendment.**  
3

4 A. Purpose. The purpose of this section is to establish the process and criteria for amendment of this  
5 code.  
6

7 B. Process. ~~Zoning~~ Code amendments shall be considered as provided in MICC 19.15.260.  
8

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

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

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

13 a) Suggestion. A code amendment may be suggested by any interested person. The suggested  
14 amendments shall be docketed pursuant to MICC 19.15.230(D) and considered on at least  
15 an annual basis.

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

19 c) All proposed code amendments, whether initiated by suggestion or application, shall be  
20 accompanied by an application form and shall require a detailed description of the proposed  
21 amendment in nontechnical terms.

22 3. Applications for a code amendment shall not be subject to the docketing procedures of MICC  
23 19.15.230(D).

24 4. Multiple code amendments may be consolidated for review and action at the city's discretion.  
25

26 D. Criteria. The city may approve or approve with modifications a proposal to amend ~~the text of~~ this  
27 code if:

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

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

30 3. The amendment is in the best interest of the community as a whole.  
31

32 E. Codification. Following approval of an amendment, the city shall amend this code to reflect the  
33 amendment.  
34



1 **19.15.260 Review procedures for comprehensive plan amendments, reclassification of property,**  
2 **and code amendments.**  
3

4 A. The city shall issue a notice for comprehensive plan amendments, reclassifications of property, and  
5 zoning code text amendments as described in MICC 19.15.230, 19.15.240, and 19.15.250. Notice  
6 shall be provided in the weekly CPD bulletin, a newspaper of general circulation, made available to  
7 the general public upon request, and, if the proposed amendment will affect a specific property or  
8 defined area of the city, mailed to all property owners within 300 feet of the affected property or  
9 defined area, and posted on the site in a location that is visible to the public right-of-way.

10 1. The notice shall include the following information:

- 11 a. The name of the party proposing the proposed amendment or change;
- 12 b. The location and description of the project, if applicable;
- 13 c. The requested actions and/or required studies;
- 14 d. The date, time, and place of the open record hearing;
- 15 e. Identification of environmental documents, if any;
- 16 f. A statement of the public comment period which shall not be less than 30 days. The city  
17 shall accept public comments at any time prior to the closing of the record of an open  
18 record predecision hearing; and a statement of the rights of individuals to comment on the  
19 application, receive notice and participate in any hearings, request a copy of the decision  
20 once made and any appeal rights;
- 21 g. The city staff contact and contact information;
- 22 h. The identification of other reviews or permits that are associated with the review of the  
23 proposed comprehensive plan, zoning text, or zoning map amendment, to the extent known  
24 by the city;
- 25 i. A description of those development regulations used in determining consistency of the  
26 review with the city's comprehensive plan;
- 27 j. A link to a website where additional information about the project can be found; and
- 28 k. Any other information that the city determines appropriate.

29 2. Timing of Notice. The city shall provide the notice at least 30 days prior to the hearing.

30 3. The city shall accept public comments at any time prior to the closing of the record of an open  
31 record public hearing.  
32  
33