



# BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5653  
January 21, 2020  
Regular Business

## AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5653: Rooftop Railings Code Amendment (Ordinance No. 20C-01, First Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
<b>RECOMMENDED ACTION:</b>	Set Ordinance No. 20C-01 for second reading and adoption on February 4, 2020 Consent Calendar	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Evan Maxim, Director
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 20C-01 with Attachment A
<b>CITY COUNCIL PRIORITY:</b>	3. Support the Leadership Team's Work Plan

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

## SUMMARY

### BACKGROUND

On May 21, 2019, the City Council adopted Ordinance No. 19C-02, which provided several amendments to the single-family residential development standards contained in Chapter 19.02 of the Mercer Island City Code (MICC).

The amendments were intended to address aspects of the development standards that were unclear. In particular, the Planning Commission recommended (see [AB 5554](#)) that the City authorize railings on the rooftop of a single-family home to exceed the 30 foot height limit by five feet, which is the same allowance provided for antennas, plumbing stacks, chimneys, and other appurtenances.

The City Council received public comment regarding the limits on rooftop railings and ultimately, the City Council determined that the placement of railings on the rooftop of a single-family home should be prohibited, when the resulting railing would extend above the 30-foot height limit. However, the City Council also remanded the discussion to the Planning Commission to provide a further recommendation on allowances for rooftop railings in limited circumstances.

## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission reviewed the remanded regulations at a public meeting on July 31, 2019 and held a public hearing on October 2, 2019.

Following deliberation, the Planning Commission recommended that the City Council authorize rooftop railings on single family homes that exceed the 30-foot height limit subject to the following provisions:

1. Rooftop railings are only allowed if: A) the railing is located more than six feet from the edge of the roof or B) the rooftop railing is associated with a lot constrained by critical areas;
2. If allowed, the rooftop railing must be: A) no taller than height required by the building code (e.g. 36 inches), B) 80 percent open area (visually unobtrusive), and C) not comprised of glass or other similar material.

## **RECOMMENDATION**

Set Ordinance 20C-01 for second reading and adoption on the February 4, 2020 Consent Calendar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MERCER ISLAND

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Benson Wong, Mayor

Approved as to Form:

ATTEST:

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Bio F. Park, Interim City Attorney

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Deborah A. Estrada, City Clerk

Date of Publication:

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# Attachment A

## Code Amendment: Rooftop Railings

“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

### 19.02.020 Development Standards.

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#### E. Building Height Limit.

1. Maximum Building Height. No building shall exceed 30 feet in height above the average building elevation to the highest point of the roof.
2. Maximum Building Height on Downhill Building Facade. The maximum building facade height on the downhill side of a sloping lot shall not exceed 30 feet in height. The building facade height shall be measured from the existing grade or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.
3. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces, solar panels, and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure in subsections (E)(1) and (2) of this section; provided:
  - a. Solar panels shall be designed to minimize their extension above the maximum allowed height, while still providing the optimum tilt angle for solar exposure.
  - b. Rooftop railings may ~~not~~ extend above the maximum allowed height for the main structure only if the following conditions met:
    - (i) The rooftop railing is located more than six feet from the plane of the wall of the floor below; or the subject lot is constrained by watercourses, wetlands, and associated buffers or steep slopes and the unconstrained lot area is less than the total square footage of the lot coverage allowed by this chapter plus 2,000 square feet. (For example, a lot with a net lot area of 10,000 square feet at a 20% slope would be allowed 3,500 square feet of lot coverage. If 6,000 square feet of the lot were wetland, watercourse and associated buffer or steep slope, the unconstrained lot area of this lot would be 4,000 square feet. A rooftop railing above the height limit would be allowed in this scenario, because the total of the 3,500 square feet of lot coverage plus 2,000

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- square feet is 5,500 square feet, which is greater than the unencumbered area of 4,000 square feet.); and,
- (ii) The proposed railing is no taller than the height required by the Washington State Amendments to the International Residential Code as adopted by the City; and,
  - (iii) Rooftop railings shall be designed so that at least 80 percent of the railing is open area; and,
  - (iv) Rooftop railings shall not incorporate any glass, transparent, or other reflective material.