

DSG Policy Memorandum
Administrative Interpretation
#03-01



DEVELOPMENT SERVICES GROUP

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TO: DSG Staff

FROM: Richard Hart, Development Services Director

DATE: February 21, 2003

RE: Determination of Lot Area for Waterfront Lots

This administrative policy determination and interpretation is made by the Code Official under Section 19.15.010(C)(5)(a) of the Unified Land Development Code of Mercer Island regarding the calculation of lot coverage and gross floor area for lots that front on Lake Washington. Questions have been raised whether those portions of the lot that are covered by water may be considered as part of lot area for the purpose of determining lot coverage and gross floor area. Under MICC 19.16.010, the definition of Waterfront Lot states "a lot having frontage on Lake Washington". Therefore, for the purposes of the Unified Land Development Code a waterfront lot shall only include those areas landward of the ordinary high watermark (i.e., those portions of the lot that have frontage on Lake Washington).

MICC 19.02.010(E) states "the gross floor area of a single-family structure shall not exceed 45 percent of the lot area". MICC 19.16.010 does not contain a definition for "Lot Area". However, under MICC 19.02.020(A)2, it states "in determining whether a lot complies with the lot area requirements, the following shall be excluded: the shorelands part of any such lot...". Excluding lands covered by water from the base area used to calculate gross floor area is consistent with the logic embodied in MICC 19.02.020(A)2 and the legislative intent of establishing reasonable limits on the size of a house relative to the parcel of land it occupies to meet the purposes of the Unified Land Development Code identified in MICC 19.01.010.

MICC 19.02.020(D) establishes the "total percentage of a lot that can be covered by impervious surfaces". This section does not specifically say which portions of the lot may be included in this calculation. Excluding shorelands from the area used to calculate lot coverage is consistent with the legislative intent of limiting the intensity of development and related impacts to meet the purposes identified in MICC 19.01.010.