
16.12.020. – “A” definitions.

Arborist, certified means a specialist in the care and maintenance of trees who is certified by the International Society of Arboriculture (ISA).

Arborist, city means a ~~person-certified arborist~~ appointed by the city manager or designee ~~with the criteria that the person is a member of the American Society of Consulting Arborists or similar professional organization and is an ISA-certified arborist.~~ The city arborist is responsible for evaluating trees according to the International Society of Arboriculture in evaluating hazardous trees in urban areas.

16.12.090. – “H” definitions.

Horticulturist, certified means a specialist in plant cultivation who is either a Certified Professional Horticulturist (CPH) or a Certified Horticulturist (CH) as designated by the American Society for Horticulture Science.

16.12.200. – “S” definitions.

Story, upper means any floor, story, or space located above the ground floor, whether that ground floor is characterized as a daylight basement, main floor, or otherwise. On sloping lots, the upper story shall be determined based on its position in relation to the ground elevation where the structure is developed along the sloping lot as would satisfy a reasonable person to be the upper story.

16.30.070. Landscape screening.

B. Landscape screening – Types and description.

3. ~~Privacy landscape screening.~~

a. ~~Privacy landscape screening is a screen of landscaped vegetative species known for their ability to grow expeditiously and function as a visual barrier.~~

b. ~~Where privacy landscape screening is required, the following shall apply:~~

i. ~~Shrub and tree species shall consist of a mixture of species sourced from the Medina Privacy Landscape Species list on file with the Development Services Department, unless the city approves the use of an unlisted species. The Director has the authority to update the Medina Privacy Landscape Species list from time to time by providing a copy to the City Clerk and posting it on the City’s website.~~

ii. ~~The selected species shall be planted to provide solid year-round sight-obscuring screening from the ground up.~~

Commented [A1]: The City is coordinating with the City Arborist on a few remaining dimensional specifics for this new section. The City has also prepared a draft Privacy Landscape Screening list and is finalizing that list with the City Arborist - the list will be publicly available for property owners to use when applying this code section. These items will be presented to the Planning Commission at its 7/28 regular meeting if available, or otherwise will be presented at the 8/25 public hearing.

- iii. Shrubs and trees shall be a minimum of six feet in height at the time of planting. The City may require shrubs or trees to exceed six feet in height at the time of planting if the Director determines the additional height is needed to satisfy MMC 16.71.010(F).
- iv. Shrubs and trees shall be planted having a planting pattern of ~~at least five feet in width.~~
- v. Where practical, existing mature vegetation should be incorporated into the screen.

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Commented [A2]: The City intends to invite the Fire Marshal's feedback on this dimension to ensure future potential landscaping width would not prevent emergency access to a home. The SEPA Threshold Determination will be noticed to the Bellevue Fire Marshal for their recommendation. Their feedback could effect this draft standard and/or could reflect a maintenance requirement in the landscape covenant.

16.71.010. Minor deviation.

- A. *Purpose.* The purpose of a minor deviation is:
1. To allow for minor departures from numeric development standards for ~~remodeling~~ alteration projects; and
 2. To allow flexibility in design while preserving legally established nonconforming conditions with respect to setback requirements and maximum building heights; ~~and~~.
 3. To allow departures from minimum side yard setback and maximum building height standards for development projects, including new development, alterations, additions, substantial destruction, or substantial reconstruction.
- B. *Applicant.* Any owner may submit an application for a minor deviation.
- C. *Procedures.* Minor deviations are processed as a Type 2 decision pursuant to the review procedures set forth in Chapter 16.80 MMC.
- D. *Applicability.* A minor deviation may be approved for the following:
1. Departures by five percent or less from any numeric development standard for alteration projects provided:
 - a. If the numeric development standard is expressed as a percentage, the five percent is calculated as the numeric percentage multiplied by 1.05; and
 - b. Requests for departures may include qualifying conditions such as structural coverage bonuses and height bonuses; ~~and~~
 - c. The structure would not experience substantial destruction as defined by MMC 16.12.200.
 2. Departures from building height and zoning setback standards to allow a building addition to match an existing nonconforming building height or setback that was legally established provided:
 - a. Matching a legal nonconforming building height means a building addition extending above the maximum zoning height applicable to the building, but the highest point of the addition does not exceed the highest point of the roof of the existing building; or
 - b. Matching a legal nonconforming zoning setback means a building addition extending into the setback area, but the addition does not extend closer to the property line than the closest point of the existing building, excluding gutters; and
 - c. The total above-ground bulk of the building located within the legally nonconforming height or setback envelope does not occupy more than 60 percent of the maximum possible above-ground bulk that could otherwise be built within the legal nonconforming building height or setback envelope with approval of a minor deviation; ~~and~~

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- d. The structure would not experience substantial destruction as defined by MMC 16.12.200.
3. Departures from building height and side setback zoning standards to allow any project to develop against the alternative building height and side setback standards set forth in this section provided:
- a. All other numeric development standards applicable to the project are adhered to; and
- b. The project includes mitigation measures that will offset any material detriment to the public welfare, or any injury to property or improvements in the vicinity and zone in which the subject property is located, or any substantial reduction in the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code.
- c. Development proposed under this subsection may depart from side yard setback zoning standards and may develop against the following alternative side yard setback standards:

<u>Square Footage of the Lot Area</u>	<u>Minimum Setback from the: Side Property Line</u>
<u>Less than 10,001</u>	<u>10 feet</u>
<u>From 10,001 to 13,000</u>	
<u>From 13,001 to 15,000</u>	
<u>From 15,001 to 20,000</u>	
<u>Greater than 20,000</u>	<u>The greater of 10 feet or 15% of the lot width; not to exceed 20 feet</u>

1. Protrusions in setback areas shall otherwise comply with MMC 16.22.040.

- d. Development proposed under this subsection in the R-20, R-30, or SR-30 zones may depart from maximum building height standards and may develop against the following alternative bonus height standards, provided the total structural coverage on the lot does not exceed 13 percent, excluding structural coverage that qualifies for the bonus under MMC 16.23.040:

<u>Measuring Points</u>	<u>Maximum Height</u>	
<u>Original Grade</u>	<u>High Point</u>	<u>30 feet</u>
	<u>Low Point</u>	<u>36 feet</u>
<u>Finished Grade</u>	<u>High Point</u>	<u>30 feet</u>
	<u>Low Point</u>	<u>36 feet</u>

1. The methods for measuring the height of buildings and structures proposed under this subsection are set forth in section (I) of this section.
2. Development in the R-16, N-A, and Public zones, and development in Medina Heights may not be built against the alternative building height standards set forth in this subsection.

E. *Limitations.* A minor deviation shall not be approved for the following:

- ~~1. Where the structure experienced substantial destruction as defined by MMC 16.12.200.~~
- ~~1.2.~~ Where the request is to obtain final approval of a structure that compliance with the numeric development standard was represented in the building permit application, but subsequent construction is noncompliant; or
- ~~2.3.~~ Where the project consists of a building alteration or improvement that was completed at any time within the previous five years.

F. *Criteria for approval.* The decision authority may approve a minor deviation only if all of the following criteria are satisfied:

1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. The granting of such minor deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code; and
4. For departures set forth in subsection (D)(1) of this section, the minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved. Specific to a decision to approve a minor deviation under subsection (D)(3) of this section, the decision authority may apply any or all of the following conditions of approval as necessary to safeguard the public health, general welfare, and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved:

1. A privacy landscape screen pursuant to MMC 16.30.070(B)(3) shall be installed along the perimeter of the lot from which the structure is set back against the alternative side yard setback standards set forth in subsection (D)(3)(c) of this section. A maintenance covenant shall be recorded against the property that commits to maintaining the privacy landscape screen in a manner that complies with MMC 16.30.070(B)(3) and upkeeps the landscape screen so as not to encroach adjoining properties. The maintenance covenant shall run with the land in perpetuity;
 - a. Where a privacy landscape screen is required, a landscape plan shall be submitted to the city demonstrating consistency with MMC 16.30.070(B)(3). The landscape plan shall include provisions for maintenance and irrigation of the landscape screen, and shall include planting best management practices that will guide installation of the privacy landscape screen. Should the landscape plan include shrubs or trees installed in excess of six feet in height at the time of planting, a certified arborist or certified horticulturist shall select the landscape species and shall observe their installation to ensure planting best management practices are adhered to. The landscape plan shall be reviewed and approved by the city prior to development activity.
2. Upper story glazing shall be limited to 20 percent of any elevation facing side property lines when the alternative side setback standards set forth in subsection (D)(3)(c) of this section are built against, unless additional glazing is required to comply with locally adopted building codes;
3. Decks or verandas which exceed 30 inches in height above the existing or finished grade, whichever grade is lower, are limited to an area of no more than 100 square feet when any portion of the deck or veranda is developed within the alternative side setback standards set forth in subsection (D)(3)(c) of this section;
4. All lighting shall comply with MMC Chapter 16.25 and with MMC 16.44.040; and

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5. Additional mitigation measures may be required such as, but not limited to, increased screening, required fencing, altered location, reducing the scale of the structure, etc., to minimize any negative impacts generated by approving the minor deviation for the structure.

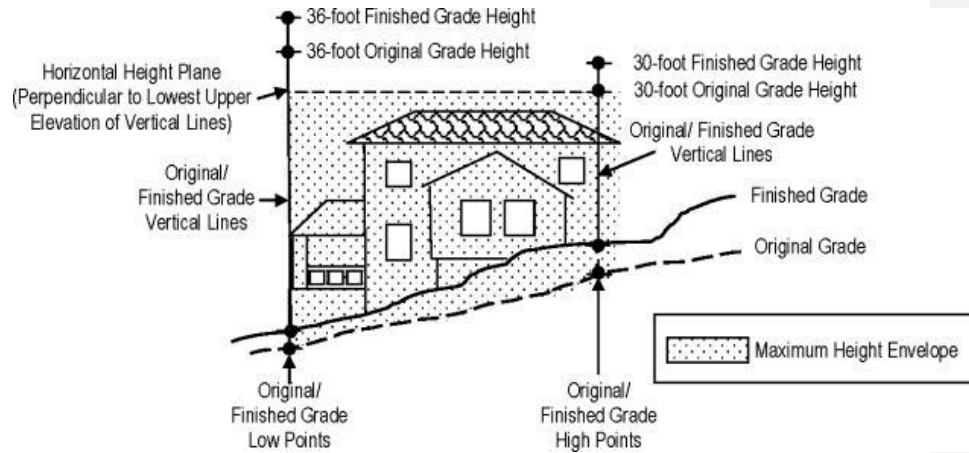
H. *Lapse of approval.*

1. An approved minor deviation shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted; and
2. Expiration of the minor deviation is automatic and notice is not required; and
3. The director may grant a single six-month extension if the applicant makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

I. Bonus height standards. Where the bonus height standards in subsection (D)(3)(d) of this section are used, height shall be measured as shown in Figure 16.71.010(A) and as set forth in the following procedures:

1. The original grade shall be established as set forth in MMC 16.23.080;
2. The base elevation for measuring height shall be taken at four points where the outside of the exterior walls/sides of the building or structure intersect the following:
 - a. The lowest point of the original grade;
 - b. The highest point of the original grade;
 - c. The lowest point of finished grade; and
 - d. The highest point of finished grade;
3. Starting at the four base elevation points ascertained under subsection (2) of this subsection, a vertical line shall be extended by the distance of the applicable maximum height prescribed in Table 16.23.050(C);
4. The grade (original or finished) and corresponding vertical line established under subsection (3) of this section that has the lower upper elevation (measured from a zero-elevation surface) shall be used to measure maximum height;
5. Maximum height shall be a horizontal plane intersecting the upper elevation of the vertical line established in subsection (4) of this section for measuring maximum height and shall be perpendicular to the same vertical line as shown in Figure 16.71.010(A);
6. The maximum height envelope shall be the area between the applicable grade (original or finished) and the horizontal height plane established in this section and shown in Figure 16.71.010(A);
7. No part of the building or structure, including roof lines, shall protrude above the maximum height envelope, except as allowed otherwise by law;
8. See MMC 16.23.060(E) for establishing the height plane parameter and MMC 16.23.060(G) for height calculation exemptions.

Figure 16.71.010(A): Alternative Bonus Height Measurements



(Code 1988 § 20.71.010; Ord. No. 979 § 3, 2019; Ord. No. 900 § 5 (Att. B), 2013; Ord. No. 1017, § 12, 2022)