

CITY OF MEDINA, WASHINGTON

Ordinance No. **xxx**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, RELATING TO ZONING, AMENDING THE MEDINA MUNICIPAL CODE TO ADDRESS IMPACTS OF CONSTRUCTION, TO INCREASE PRIVACY AND PEACEFUL ENJOYMENT FOR RESIDENTS IN RESIDENTIAL DEVELOPMENT STANDARDS, AMENDING THE FOLLOWING SECTIONS OF THE MEDINA MUNICIPAL CODE FOR THIS PURPOSE: 16.22.030 (INCREASING SIDE YARD SETBACKS), 16.22.040 (REQUIRING LANDSCAPING FOR PROTRUSIONS INTO SETBACKS), 16.23.050 AND 16.23.060(C)&(D) (TO REMOVE THE BONUS HEIGHT OPTION), 16.44.040 (TO ADOPT LIGHTING LIMITATIONS FOR VACANT RESIDENCES), 16.12.020 TO DEFINE CERTIFIED AND CITY ARBORISTS, 16.12.090 TO DEFINE HORTICULTURALIST, 16.12.200 TO DEFINE UPPER STORY, 16.30.070.B TO ADD A NEW STANDARD FOR PRIVACY LANDSCAPE SCREENING, 16.71.010 TO EXPAND THE USE OF MINOR DEVIATIONS FOR REDUCED SETBACKS AND HEIGHT BONUS WHEN MITIGATION IS PROVIDED; ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina is a code city operating under Title 35A RCW, among other laws; and

WHEREAS, in Title 16 of the Medina Municipal Code, the City Council has established the City's development regulations; and

WHEREAS, Medina is a code city which is governed by the provisions of the Growth Management Action (Chapter 36.70A RCW); and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, on May 27, 2025, the City Council adopted Ordinance No. 1040 to update the City's land use codes to allow for middle housing and additional accessory dwelling units (ADUs) consistent with State law; and

WHEREAS, with increasing density, adopting standards that allow harmony between residents are of increased importance; and

WHEREAS, the development trends in Medina include building single-family homes to the maximum structural size and lot coverage which creates impacts on neighboring properties in terms of loss of privacy, noise, and light trespass; and

WHEREAS, this trend has not led to increased production of housing units or increased density, rather, it has led to decreased density in Medina; and

WHEREAS, these trends have also increased the cost of housing in a time when Washington is in a housing shortage and housing affordability crisis; and

WHEREAS, the narrower lots in Medina often have more impacts on neighboring property residents when redevelopment occurs; and

WHEREAS, narrow lots also are more difficult to develop with duplexes or ADU/DADU units; and

WHEREAS, since adopting Ordinance 1040 in May of 2025 to provide for ADU/DADU and middle housing options, the City has not seen development that would provide more affordable units, like ADU/DADUs or duplexes; and

WHEREAS, by updating the code to make lot standards wider, new lots created will have more width for a variety of housing types while minimizing impacts on neighboring property residents; and

WHEREAS, changing the minimum lot widths does not change minimum lot size, rather, it changes the aspect ratio which will make lots more developable for a wider variety of housing types; and

WHEREAS, by increasing side yard setbacks, the impacts of residential redevelopment will be mitigated on neighboring residents; and

WHEREAS, as part of modifying the development standards, an amended minor deviation process is included which will allow owners and developers to build with narrower side yard setbacks provided that such reduction in setbacks either does not have negative impacts on neighboring residents or such reduction is mitigated; and

WHEREAS, as part of modifying the development standards, an amended minor deviation process is included which will allow owners and developers in the R-20, R-30, and SR-30 zones to obtain a height bonus if structural coverage on the lot is limited to no greater than 13 percent, provided such height bonus either does not have negative impacts on neighboring residents or such height bonus is mitigated. This modification may provide better housing forms, more open space, and more harmony between neighbors; and

WHEREAS, by prioritizing the passage of this ordinance, the City will have addressed and resolved the immediate impacts caused by development trends, enabling its future study of broader zoning reformatory action to be considered by the City which aligns with and supports its adopted goals and policies; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for expedited review on July 29, 2026; and

WHEREAS, on August 7, 2026, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, over the past eight months, the City has engaged in significant public outreach including, mailing notices to every address in the City, hosting a website with project information for the public's access, hosting a charrette on June 17, 2026 to obtain input from design professionals, builders, residents, owners, and developers; and

WHEREAS, since February of 2026, the Planning Commission has studied this issue, including meeting four times, worked on a draft ordinance, and conducted a public hearing on the substance of this Ordinance on August 25, 2026; and

WHEREAS, following the public hearing, the Planning Commission recommended adoption by the City Council; and

WHEREAS, the Development Services Committee has met to review this ordinance once during the time period that this ordinance has been under review; and

WHEREAS, over the past eight months, the City Council has studied this issue, including meeting eight times, has given directions to the Planning Commission, and conducted a public hearing on the substance of this Ordinance on September 28, 2026; and

WHEREAS, the City Council, following the public hearing and after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; and

WHEREAS, the City Council determines that it is in the public interest, safety and welfare to update its code as required by State law and as set forth in this Ordinance;
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's findings of fact in support of this ordinance.

Section 2. Subsection A of Section 16.22.030 of the Medina Municipal Code is hereby amended to read as follows:

16.22.030. Building and structure setbacks.

- A. Table 16.22.030 establishes the minimum distance required for any part of any building or structure to be set back from the pertinent property line. The minimum setback requirements are applied to each lot by the square footage of the lot area and the corresponding setback standards in the table. (See definition of "lot area" and the definitions of "property lines" in Chapter 16.12 MMC and Figures 16.22.030(B) and (C) for establishing and delineating setbacks.)

Table 16.22.030: Minimum Building/Structure Setbacks

Square Footage of the Lot Area	Minimum Setback from the:			
	Front Property Line	Rear Property Line	Side Property Line <u>for first floor, or up to 16 feet in height above finished grade, whichever is lower</u>	Lake Washington Shoreline
Less than 10,001	25 feet	25 feet	40 <u>15</u> feet	See MMC 16.63.030
From 10,001 to 13,000	26 feet	26 feet		
From 13,001 to 15,000	28 feet	28 feet		
From 15,001 to 20,000	30 feet	30 feet		
Greater than 20,000	30 feet	30 feet	The greater of 40 <u>15</u> feet or 45 <u>20</u> % of the lot width; not to exceed 20 feet	

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Section 3. Section 16.22.040 of the Medina Municipal Code is hereby amended to read as follows:

16.22.040. Protrusions into setback areas.

The following structures may be located within a setback area, except setbacks from Lake Washington, which are subject to Chapter 16.63 MMC. For structures located in side yard setbacks which are over 30 inches in height above the existing or finished grade, whichever is lower, the partial landscape screening standards set forth in MMC 16.30.070 shall be required:

- A. Utilities which are located underground and accessory to a principal use, except the requirement for undergrounding is not required if the limitation in MMC 16.50.090(l)(6) applies.
- B. Walkways, stairs and steps, and driveways, not including parking spaces, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower.
- C. Uncovered decks and patios, provided:
 - 1. No part of the structure exceeds 30 inches in height above the existing or finished grade, whichever grade is lower; and
 - 2. The following setbacks are maintained:
 - a. A minimum 15-foot setback is maintained from the front property line;
 - b. A minimum 10-foot setback is maintained from the rear property line; and
 - c. A minimum side-yard setback equal to ~~one-half~~ seventy-five percent of the required distance pursuant to Table 16.22.030. In addition, for decks or patios built in side yard setbacks, installation of solid landscape screening under MMC 16.30.070 shall be required.
- D. Window wells that do not project more than six inches above the ground level and do not protrude more than four feet into the setback area.
- E. Fences and freestanding walls which comply with the requirements set forth in MMC 16.30.010.
- F. Irrigation systems at or below finished grade, including yard hydrants, sprinkler heads and similar features that do not exceed 36 inches above the finished grade.
- G. Ramps and similar structures installed to a single-family dwelling to provide ADA access .
- H. Foundation footings where the footing structure does not protrude more than two feet into the setback area and is located entirely below the ground surface.
- I. Improved surface areas for off-street parking provided:
 - 1. The protrusion is limited to the front setback area and a minimum 15-setback is maintained from a front property line; and

2. The parking area is designed in a manner that is clearly distinguishable from the driveway; and
 3. The top of the parking surface does not exceed 30 inches above the existing or finished grade, whichever is lower.
- J. A chimney provided:
1. The protrusion is limited to the side setback area and does not exceed more than two feet into the setback area ;
 2. The maximum horizontal width of the chimney inside the setback area is five feet.
- K. Accessory structures and outdoor mechanical equipment provided:
1. The protrusion is limited to the rear setback area and a minimum 15-foot setback from the rear property line is maintained; and
 2. The highest point of the accessory structure or outdoor mechanical equipment does not exceed eight feet in height above the finished grade; and
 3. The accessory structure or outdoor mechanical equipment does not occupy a footprint greater than 100 square feet; and
 4. Solid landscape screening pursuant to MMC 16.30.070 is planted that screens the structure or mechanical equipment from adjoining properties; and
 5. For outdoor mechanical equipment, the following shall apply:
 - a. An existing unit may be replaced with a new unit in the same location regardless of setback requirements;
 - b. For existing legally nonconforming residences that do not conform to the current side yard setback requirements, a new unit may be installed in the side yard setback provided a minimum ~~five~~^{ten}-foot setback is maintained from the side property line; and
 6. All mechanical equipment shall meet the sound requirements set forth in chapter 8.06 MMC.
 7. Permanently installed water features and other similar permanently installed sound attenuation devices shall be located such that neighboring properties do not hear them.
- L. Open play structures without roofs or walls provided:
1. The protrusion is limited to rear setback areas and a minimum 10 foot setback from a rear property line is maintained; and
 2. The maximum height of the play structure does not exceed ten feet above the finished grade; and
 3. The play structure does not occupy a footprint greater than 100 square feet.
- M. Swimming pools, spas and hot tubs as provided for in MMC 16.34.040.

- N. Raised planting bed boxes, which do not exceed 30 inches above the existing or finished grade, whichever grade is lower.
- O. Low impact development best management practices or treatment best management practices provided:
 - 1. The best management practice shall be designed, constructed, and maintained in accordance with the stormwater manual adopted under MMC 13.06.020.
 - 2. Best management practices, including associated vegetation, shall be located entirely on private property.
 - 3. The maximum height of any structural element associated with the best management practice shall not exceed 30 inches above the existing or finished grade, whichever grade is lower.
 - 4. The best management practice shall be designed to manage or treat stormwater runoff solely from the building site and from less than 5,000 square feet of impervious surface.
 - 5. Examples of acceptable best management practices, as those practices are defined in Chapter 16.12 MMC, include but are not limited to the following:
 - a. Rain garden;
 - b. Bioretention;
 - c. Dispersion; and
 - d. Biofiltration treatment.

Section 4. Section 16.23.050 of the Medina Municipal Code is hereby amended to read as follows:

16.23.050. Maximum building and structure height standards.

- A. Application of maximum height standards.
 - 1. Table 16.23.050(A) establishes the maximum height standards for buildings and structures within each zone.
 - 2. Areas not identified in Table 16.23.050(A) are subject to the height standards specified for the R-20/R-30 zone.
 - 3. ~~Where Table 16.23.050(A) specifies eligibility for a height bonus, a property owner may elect to apply the height standards in subsection (C) of this section in lieu of the height standards in Table 16.23.050(A); provided, that:~~
 - a. ~~The total structural coverage on the lot does not exceed 13 percent, excluding the structural coverage bonus set forth in MMC 16.23.040; or~~
 - b. ~~If the lot area is 16,000 square feet or less, the total structural coverage on the lot does not exceed 17½ percent, excluding the structural coverage bonus set forth in MMC 16.23.040.~~

Table 16.23.050(A): Maximum Height Standards

Measurement Points		Zoning/Height Overlay Maximum Height					
		R-16	R-20/R-30	SR-30	N-A	Public	Medina Heights
Original Grade	High Point	25 feet	N/A*	N/A*	None	None	N/A*
	Low Point		25 feet	25 feet			20 feet
Finished Grade	High Point	28 feet	N/A*	N/A*	30 feet	35 feet	N/A*
	Low Point		28 feet	28 feet			23 feet
Eligible for Height Bonus		No	Yes	Yes	No	No	No

*Not applicable.

B. Maximum height is determined by the zone or height overlay where the building or structures is located and the corresponding unit of height specified for original and finished grade prescribed in the tables.

~~C. A property owner electing to apply the height bonus allowed pursuant to subsection (A)(3) of this section shall apply the height limits specified in Table 16.23.050(C).~~

~~Table 16.23.050(C): Bonus Height Standard~~

Measurement Points	Maximum Height	
Original Grade	High Point	30 feet
	Low Point	36 feet
Finished Grade	High Point	30 feet
	Low Point	36 feet

~~CD.~~ The methods for measuring the height of buildings and structures are set forth in MMC 16.23.060.

~~DE.~~ Exemptions from maximum height requirements are set forth in MMC 16.23.070.

~~F. Eligibility for the bonus height standard in subsection (A)(3) of this section shall not apply where the total structural coverage on the lot exceeds 13 percent, excluding structural coverage that qualifies for the bonus under MMC 16.23.040.~~

Section 5. Subsections C and D of Section 16.23.060 of the Medina Municipal Code are hereby amended to read as follows:

16.23.060. Measuring building and structure height.

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- C. In the R-20, R-30, and SR-30 zones (~~except where the bonus height standards in Table 16.23.050(C) are used~~) and in the Medina Heights overlay, height shall be measured as shown in Figure 16.23.060(C) and as set forth in the following procedures:

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- D. ~~Where the bonus height standards in Table 16.23.050(C) are used, height shall be measured as shown in Figure 16.23.060(D) 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 (D)(2) of this section, 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 (D)(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 (D)(4) of this section for measuring maximum height and shall be perpendicular to the same vertical line as shown in Figure 16.23.060(D);~~
 - ~~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 16.23.060(C);~~
 - ~~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 subsection (E) of this section for establishing the height plane parameter and subsection (G) of this section for height calculation exemptions.~~

Figure ~~16.23.060(D)~~: Bonus Height Measurements

IMAGE IS DELETED

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Section 7. Section 16.44.040 of the Medina Municipal Code is hereby amended to read as follows:

16.44.040. Minimum maintenance standards for vacant residences.

Properties containing vacant ~~single-family~~ dwellings, whether under construction or complete, shall, at a minimum, be maintained as follows:

- A. The premises shall be clean, safe, and sanitary, free from waste, garbage, litter and excessive vegetation.
- B. The building and structures shall be maintained in good repair and be structurally sound. Structural members shall be free from safety, health, and fire hazards.
- C. Doors, windows, and other openings shall be weather-tight and secured against entry by birds, vermin, and trespassers. Missing or broken doors, windows, and other openings shall be covered by glass, plywood, or other weather-resistant materials and tightly fitted and secured to the opening.
- D. Exterior walls shall be free of holes, breaks, and loose or rotting materials.
- E. Foundation walls shall be animal- and vermin-proof and be maintained in a structurally sound and sanitary condition.
- F. Chimneys, decks, balconies, canopies, awnings, exhaust ducts, cornices, corbels, trim, wall facings, drains, gutters, downspouts, and similar features shall be safely anchored.
- G. Roofs and flashings shall be maintained in good repair and be structurally sound.
- H. Interior lights that are visible to or from neighboring properties shall be kept turned off except when the structure is occupied.
- I. Exterior lights shall only be on after dark if they are shielded and angled away from other properties and dwelling units. Light shall not be permitted to trespass onto other properties.

Section 8. Subsection “A” of Section 16.22.020 of the Medina Municipal Code is hereby amended to read as follows:

16.22.020. - Lot development standards.

A. The pertinent requirements for minimum net lot area, minimum lot width, and minimum street frontage applicable to each lot is determined by the zoning district in which the lot is located and the corresponding standards in Table 16.22.020.

Table 16.22.020: Lot Development Standards

Zoning District	Minimum Net Lot Area	Minimum Lot Width	Minimum Street Frontage
R-16	16,000 sq. ft.	70 <u>90</u> ft.	70 <u>90</u> ft.
R-20	20,000 sq. ft.	70 <u>90</u> ft.	70 <u>90</u> ft.
R-30	30,000 sq. ft.	90 ft.	90 ft.
SR-30	30,000 sq. ft.	90 ft.	90 ft.
N-A	16,500 sq. ft.	135 ft.	135 ft.
Public	None	None	None

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Section 9. Definitions of “Arborist, certified” and “Arborist, city” are hereby added to Section 16.12.020 to read as follows:

16.12.020. – “A” definitions.

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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 certified arborist appointed by the city manager or designee. The city arborist is responsible for evaluating trees according to the International Society of Arboriculture in evaluating hazardous trees in urban areas.

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Section 10. The definition of “Horticulturist, certified” is hereby added to Section 16.12.090 to read as follows:

16.12.090. – “H” definitions.

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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.

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Section 10. The definitions of “Reconstruction” and “Replacement cost” in Section 16.12.190 of the Medina Municipal Code are hereby to read as follows:

16.12.190. - "R" definitions.

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Reconstruction means to undertake construction within and/or upon an existing structure which has a valid construction permit with fair-market construction costs greater than 60 percent of the replacement cost of the existing structure being enlarged, extended, repaired, remodeled, or structurally altered. All project phases necessary to result in a habitable building must be included. The calculation for fair market construction costs shall include all costs of construction associated with the structure for a period beginning on the date of permit issuance and ending 18 months after the date the permit is finalized by the city. Construction costs shall be based on the greater of bid cost or the adopted valuation table for new square footage.

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Replacement cost means the square footage of the structure multiplied by local building costs per square foot for the type of structure, or a similar method of calculation means the total cost of design and construction to replace an existing structure.

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Section 110. The definition of “Story, upper” is hereby added to Section 16.12.200 to read as follows:

16.12.200. – “S” definitions.

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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.

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Section 124. A new subsection “3” is hereby added to Section 16.30.070.B of the Medina Municipal Code to read as follows:

16.30.070. Landscape screening.

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B. Landscape screening – Types and description.

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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.
 - 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 three feet in width.
 - v. Where practical, existing mature vegetation should be incorporated into the screen.

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Section 132. Section 16.71.010 of the Medina Municipal Code is hereby amended to read as follows:

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
 - 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:</u> <u>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:

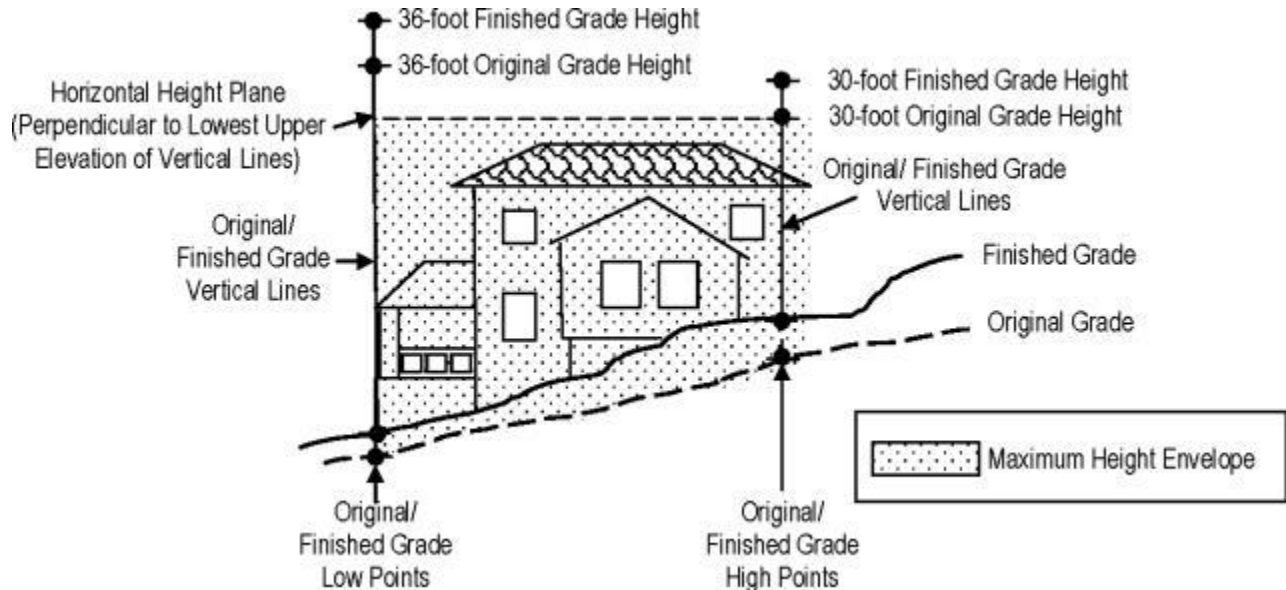
1. A privacy landscape screen pursuant to MMC 16.30.070(B)(3) shall be installed along the perimeter of the lot from which the structure is set back against the alternative side yard setback standards set forth in subsection (D)(3)(c) of this section. A maintenance covenant shall be recorded against the property that commits to maintaining the privacy landscape screen in a manner that complies with MMC 16.30.070(B)(3) and upkeep 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 may be limited, including, but not limited to, establishing to a maximum glazing area of 20 percent of any upper story 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
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



Section 143. Severability. If any section, sentence, clause, or phrase of this ordinance 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.

Section 154. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 165. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 176. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE ____ DAY
OF _____, 2026 BY A VOTE OF **x** FOR, **x** AGAINST, AND **x** ABSTAINING, AND
IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE ____ DAY OF _____,
2026.**

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer S. Robertson, City Attorney

Dawn Nations, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB