

# City of Medina Middle Housing Code Amendment

## Title 16 - UNIFIED DEVELOPMENT CODE

### CHAPTER 16.0-16.3

Prepared by SCJ Alliance

## Subtitle 16.00. INTRODUCTION TO THE UNIFIED DEVELOPMENT CODE

**16.00.010. Title.** *(no changes needed)*

**16.00.020. Statement of purpose.**

- A. The UDC is a comprehensive set of regulations that governs the physical development of all land and water within the City of Medina, except where state-owned properties are exempt under state law, for the purpose of orderly development within the community. The UDC consolidates the city's zoning, platting, environmental, construction and other development regulations into a one-book source with the goal of providing consistency between different regulations, and making the ability to find information related to development easier.
- B. The primary purpose of the regulations under this title is to:
  - 1. Encourage and guide development consistent with the goals, policies and intent of the Medina comprehensive plan;
  - 2. Protect the community's ~~single-family~~ residential nature and the natural aesthetic quality of the community;
  - 3. Address both natural and manmade environmental considerations as part of the project permitting processes;
  - 4. Protect the public's health, safety and welfare as a whole and not create a duty of protecting any person or class of persons; and
  - 5. Provide appropriate procedures for enforcement of the regulations of this title.

( Ord. No. 997 , § 1, 4-26-2021; Code 1988 § 20.00.020; Ord. No. 900 § 4 (Att. A), 2013)

## **SUBTITLE 16.1. ADMINISTRATION OF UNIFIED DEVELOPMENT CODE**

### ***CHAPTER 16.10. ADMINISTRATION—GENERAL PROVISIONS***

**16.10.010. Compliance.** *(no changes needed)*

**16.10.020. Minimum requirements.**

The regulations set forth in this title shall constitute the minimum requirements necessary to promote the public health, safety, morals, and general welfare.

(Code 1988 § 20.10.020; Ord. No. 900 § 4 (Att. A), 2013)

**16.10.030. Conflicts.** *(no changes needed)*

**16.10.040. Administrative authority.** *(no changes needed)*

**16.10.050. Interpretations.** *(no changes needed)*

**16.10.060. Compliance with other laws.** *(no changes needed)*

**16.10.070. City liability.** *(no changes needed)*

**16.10.080. Responsibility for compliance.** *(no changes needed)*

**16.10.090. Severability.** *(no changes needed)*

### ***CHAPTER 16.12. DEFINITIONS***

**16.12.010. General provisions.** *(no changes needed)*

**16.12.020. "A" definitions.**

*Abandoned* means the knowing relinquishment of right or claim to the subject property or structure on that property.

*Abandoned sign* means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

*Access* means a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

*Accessory* means a use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.

*Accessory building* means a detached building, the use of which is incidental or secondary to that of the main building. If an accessory building contains bathroom facilities, a sink, food storage, and food preparation facilities it shall be considered an accessory dwelling unit.

*Accessory dwelling unit* means a dwelling unit subordinate to a single-family dwelling unit which is:

1. Located within the single-family dwelling unit; or
2. Located within an accessory building on the lot with a principal single-family dwelling.

An accessory dwelling unit that exceeds the size limitations set forth in MMC 16.34.020, is defined as a cottage, if detached, or as a duplex unit if attached to another dwelling unit.

*Adjoining* means property that touches or is directly across a street or private lane from the subject property.

Administrative Design Review means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

*Adult family home* means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the city from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

*Agriculture* means the use of land for agricultural purposes including any one or more of farming, apiculture, horticulture, floriculture, and viticulture. "Agriculture" may not include using, keeping, raising or farming of any animal, and may not include farming marijuana regardless of whether farmed for medicinal, recreational or research purposes.

*Alter or alteration* means:

1. Any change, addition or modification in construction or occupancy.
2. When used with Chapter 16.50 MMC—any human-induced action which changes and/or impacts the existing conditions of a critical area or buffer. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, cutting of trees, clearing (vegetation), paving, construction, compaction, excavation, dumping, demolition, or any other activity that changes the character of the critical area.

*Anadromous fish* means fish that spawn and rear in fresh water and mature in the marine environment.

*Ancillary facilities* means the equipment required for operation of wireless communications, including, but not limited to, repeaters, radios, cabling, power meters, ventilation, generators, and other related equipment.

*Ancillary use* means a use essential for the proper and/or effective function of another use.

*ANSI* means the American National Standards Institute.

*Antenna* means an electrical conductor or group of electrical conductors that transmit or receive radio waves or microwaves.

*Antenna, directional (or panel)* means an antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.

*Antenna, omni-directional (or whip)* means an antenna that receives and transmits signals in a 360-degree pattern, and which is four inches or less in diameter and 15 feet or less in height.

*Antenna, parabolic (or dish)* means a bowl-shaped device that receives and transmits signals in a specific directional pattern.

*Antenna, tubular panel* means an antenna which is 18 inches or less in diameter and less than eight feet in height, and which is capable of receiving or transmitting signals in a 360-degree pattern. This includes a configuration of multiple panel antennas located within a single shroud that gives the appearance of a single antenna.

*Applicant* means a person who applies for any permit or approval to do anything governed by this Code and who is the owner of the subject property, the authorized agent of the owner, or the city.

*Arbor, bower, trellis* means light, open, garden-type structures composed of vertical and/or horizontal elements without a room which may or may not attach to a building which is designed, established and installed as a part of the landscape of the property.

*Arborist, city* means a person 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.

*Auditor, county* means the person defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

*Automobile mechanical repair* means general repair, rebuilding, or recondition of engines, motor vehicles, or trailers including incidental repairs and replacement of parts and motor services. This does not include painting and body work.

*Automobile service station* means a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, washing, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed; and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally. For the purpose of this definition, the sale of associated sundry items and the sale of prepared foods for consumption off the premises may be allowed in conjunction therewith provided the gross floor area devoted to the sale of such sundry items and prepared foods does not exceed 160 square feet.

(Code 1988 § 20.12.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 948 § 2, 2017; Ord. No. 933 § 2, 2016; Ord. No. 924 § 4, 2015; Ord. No. 911 § 1, 2014; Ord. No. 909 § 5, 2014; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 996, § 2, 7-12-2021)

#### **16.12.030. "B" definitions.** *(no changes needed)*

#### **16.12.040. "C" definitions.**

*Caliper, tree* means synonym for trunk diameter used to measure the size of nursery trees. Caliper measurement of the trunk is taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper is measured at 12 inches above the ground.

*Carport* means a building or structure or part thereof which is not wholly enclosed and is used for the parking or storage of passenger vehicles.

*Channel migration zone (CMZ)* means the lateral extent of active stream channel movement over the past 100 years. Evidence of active movement over the 100-year time frame can be inferred from aerial photos or from specific channel and valley bottom characteristics. A time frame of 100 years was chosen because aerial photos, maps and field evidence can be used to evaluate movement in this time. A CMZ is not typically present if the valley width is generally less than two bank full widths, is confined by terraces, no current or historical aerial photographic evidence exists of significant channel movement, and there is no field evidence of secondary channels with recent scour from stream flow or

progressive bank erosion at meander bends. Areas separated from the active channel by legally existing artificial channel constraints that limit bank erosion and channel avulsion without hydraulic connections shall not be considered within the CMZ.

*City* means City of Medina.

*Clearing* means cutting, grubbing or removing vegetation or other organic plant material by physical, mechanical, chemical or any other similar means. For the purpose of this definition of clearing, "cutting" means the severing of the main trunk or stem of woody vegetation at any point.

*Closed-record appeal* means an administrative appeal on the record on a project permit application following an open-record hearing with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

*Clubhouse* means a building used by a club, being an association of persons with a common interest meeting periodically for shared activity.

*Co-location* means the use of a single support structure and/or site by more than one telecommunication carrier of wireless communication.

*Commercial* means the use of land, building or structure relating to the buying and selling of goods and services.

*Compatible* means a building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

*Compensatory mitigation* means replacing project-induced critical area losses or impacts, and includes, but is not limited to, the following:

1. *Restoration.* Actions performed to reestablish critical area functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a critical area.
2. *Creation.* Actions performed to intentionally establish a critical area at a site where it did not formerly exist.
3. *Enhancement.* Actions performed to improve the condition of existing degraded critical areas so that the functions they provide are of a higher quality.

*Comprehensive plan* means the adopted Medina comprehensive plan, listing the goals and policies regarding land use within the city.

*Conditional use, special use* means a use permitted in a particular zone only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified and authorized by law.

*Condominium* means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

*Coniferous trees* means those trees that are called evergreen, have needles or scales for leaves, and bear seeds in protective cones. This includes conifer trees that lose their needles in the fall.

*Contour line* means the interconnection of points having the same height above sea level.

*Cost of construction (including maintenance and repairs)* means the true value in the open market of all work required to accomplish the proposed construction, as defined by the International Building Code for the purpose of computing building permit fees. The true value shall include reasonable true market values for the materials and labor and include normal contractor profit and overhead and design fees, but exclude Washington State and local sales taxes and permit fees.

~~*Cottage* means a detached single family dwelling unit used as a secondary dwelling on a property.~~

*Cottage housing* means residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

*Court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or buildings.

*Court of competent jurisdiction* means the judicial body empowered to adjudicate the question under consideration.

*Courtyard apartments* means attached dwelling units arranged on two or three sides of a yard or court.

*Critical areas* means critical areas as defined in RCW 36.70A.030 and amendments thereto, and this title.

(Code 1988 § 20.12.040; Ord. No. 975 § 2, 2019; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 6, 2015; Ord. No. 909 § 6, 2014; Ord. No. 900 § 4 (Att. A), 2013)

**Commented [JR1]:** Need to adopt performance standards for cottage housing. Working draft should have max gross SF size of 1,200 SF per PC direction on 11/18

## 16.12.050. "D" definitions.

*Day* means calendar days.

*Deciduous trees* means perennial trees that lose all of their leaves at one time of the year.

*Deck* means a structure attached to a wall of a building designated, established, and/or installed to provide for entrance or exit, outdoor living, cooking, and/or recreation, some sides of which are open and which may or may not have a permanent overhead covering. (See definitions for "porch" and "veranda.")

*Dedication* means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

*Development* means a change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.

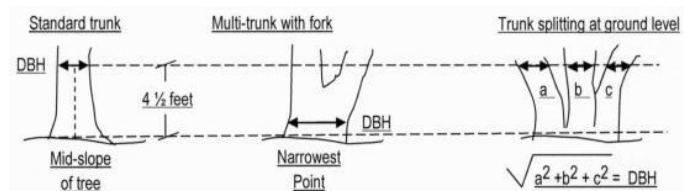
*Development permits* means all permits and associated approvals administered by the city associated with development.

*Development regulations* means the controls placed on development or land use activities including but not limited to building codes, zoning, critical areas, shoreline master programs, official controls, and subdivisions, together with any amendments thereto.

*Diameter breast height* or *DBH* means the diameter measurement in inches of the outside bark of a tree trunk, measured at 4½ feet above the surrounding existing ground surface. The vertical measurement is taken at the mid-slope of the surrounding ground surface. The DBH for multi-trunk trees forking below the 4½-foot mark is determined by measuring the diameter of the tree trunk at the narrowest part of the main stem below the tree fork. The DBH for multi-trunk trees splitting at ground level is determined by taking the square root of the sum of all squared stem caliper. See Figures below.



## Figures Measuring DBH



*Diameter of replacement tree* means the replacement tree diameter using caliper as the measurement. Multi-trunk trees shall be measured by taking one-half the caliper of up to the three largest trunks and summing them.

*Director* means the city manager or designee appointed by the city manager to administer this title or parts of this title.

*Dispersion* means a type of low impact development best management practice designed to release surface and stormwater runoff such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying granular soils.

*Division of land* means any segregation of land that creates lots, tracts, parcels, or sites not otherwise exempted by this title that alters or affects the shape, size or legal description of any part of the owner's land.

*Domesticated animal or pet* has the meaning and status assigned in MMC 6.04.005.

*Drainage facility* means the system of collecting, conveying and storing surface and storm runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances.

*Driveway* means an area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.

*Driveway apron* means that portion of a driveway connecting to a public roadway or to a private lane. The driveway apron provides a transition between the street, driveway, and sidewalk (if present).

[Duplex means a residential building with two attached dwelling units.](#)

*Dwelling* means a building used or intended for residential occupancy.

*Dwelling unit* means one or more rooms or structures providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.

(Code 1988 § 20.12.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 924 § 7, 2015; Ord. No. 923 § 1, 2015; Ord. No. 909 § 7, 2014; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 996 , § 3, 7-12-2021)

**16.12.060. "E" definitions.** (no changes needed)

**16.12.070. "F" definitions.** (no changes needed)

**16.12.080. "G" definitions.** (no changes needed)

**16.12.090. "H" definitions.** (no changes needed)

**16.12.100. "I" definitions.** (no changes needed)

**16.12.110. "J" definitions.** (no changes needed)

**16.12.130. "L" definitions.** (no changes needed)

**16.12.140. "M" definitions.**

Major transit stop means:

(A) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(B) commuter rail stops;

(C) stops on rail or fixed guideway systems;

(A)(D) stops on bus rapid transit routes, including those stops that are under construction.

*Manufactured home* means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

*Marijuana use* includes the following:

1. *Marijuana cooperative* means the same as described in RCW 69.51A.250 and amendments thereto;
2. *Marijuana processor* means a person or entity who processes marijuana into usable marijuana and marijuana-infused products, packages and labels usable marijuana and marijuana-infused products for sale in retail outlets, and sells usable marijuana and marijuana-infused products at wholesale to marijuana retailers;
3. *Marijuana producer* means a person or entity who produces and sells marijuana at wholesale to marijuana processors and other marijuana producers;

**Commented [ZT2]:** Required, pursuant to the middle housing legislation which amended RCW **36.70A.030** - Definitions

4. *Marijuana retailer* means a person or entity who sells usable marijuana and marijuana-infused products in a retail outlet;

5. *Marijuana researcher* means a person or entity licensed to produce, process, and possess marijuana for limited research purposes pursuant to RCW 69.50.372.

The terms in RCW 69.50.101, and amendments thereto, shall be used to interpret further the meaning of marijuana use.

*Mechanical equipment* means any machine or system containing moving parts such as motors, valves, relay switches, compressors, fans or similar components, including but not limited to those used to circulate and/or condition air, water, refrigerant, effluent or products of combustion.

*Medina tree fund* means a fund established by the city for the financial mitigation for tree removal consistent with [Chapter 16.52 MMC](#). The fund is to be used to plant trees on public lands as deemed appropriate by the city manager or designee. In addition, the fund may be used to maintain public trees, develop a community tree management plan, and to pay costs related to the city arborist or other consultants to carry out the purposes of the Medina tree code ([Chapter 16.52 MMC](#)).

~~*Middle Housing* means buildings that are compatible in scale, form, and character with single family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.~~

*Mitigation* means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

*MMC* means Medina Municipal Code as adopted pursuant to [Chapter 1.01 MMC](#).

*Monopole* means a single upright pole, engineered to be self-supporting that does not require lateral cross supports and is sunk into the ground and/or attached to a foundation.

(Code 1988 § 20.12.140; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 933 § 3, 2016; Ord. No. 924 § 15, 2015; Ord. No. 923 § 5, 2015; Ord. No. 911 § 2, 2014; Ord. No. 909 § 11, 2014; Ord. No. 900 § 4 (Att. A), 2013)

**16.12.150. "N" definitions.** *(no changes needed)*

**16.12.160. "O" definitions.** *(no changes needed)*

**16.12.170. "P" definitions.** *(no changes needed)*

**16.12.180. "Q" definitions.** *(no changes needed)*

**16.12.190. "R" definitions.** *(no changes needed)*

**16.12.200. "S" definitions.** *(no changes needed)*

*School* means a school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.

*School operation* means any institution of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial school.

*Scrub-shrub wetland* means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata as measured from existing grade.

*Security barrier* means an obstruction, such as fences, walls, vegetation and similar elements that restricts public access.

*Seismic hazard areas* means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

*Sensitive areas.* See "critical areas."

*SEPA.* See definition of "State Environmental Policy Act (SEPA)."

*Service area* means the vicinity around a wireless communication facility that effectively receives signals from and transmits signals to the facility.

*Setback* means the minimum distance from the property line to where a structure may be built. (See MMC 16.22.030.)

*Setback area* means the area of a lot or building site between the property line and the limits set by this Code within which no structure may intrude unless allowed otherwise by law.

*Shorelands or shoreland areas* means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Washington State Shoreline Management Act of 1971 and the City of Medina shoreline master program, Chapters 16.60 through 16.67 MMC.

*Shorelines* means all of the water areas of the state as defined in RCW 90.58.030, including reservoirs and their associated shorelands, together with the lands underlying them except:

1. Shorelines of statewide significance;
2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

*Shorelines of statewide significance* means those areas defined in RCW 90.58.030 and limited in the City of Medina to Lake Washington.

*Short term rental* means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.

*Sign* means any medium visible to the public including its structure and component parts which is used or intended to be used out of doors to convey a message to the public or otherwise attract attention to its subject matter, for advertising or any other purposes.

*Sign, A-board* means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

*Sign area* means the area of the face of the sign. When a dimensional sign contains information on two sides of the sign, only one side is counted in determining sign area, except A-board signs where the average area of the two faces shall be used to determine sign area.

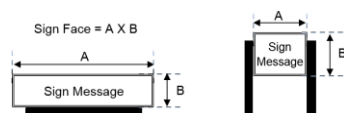
*Sign, banner* means a sign made of lightweight fabric or similar material that is temporarily mounted to a pole or building by one or more edge. National, state or municipal flags, or the official flag of any institution, shall not be considered banners.

*Sign, commercial* means a sign containing commercial content used for identifying a building, use, business or event, or to advertise the sale of goods, products, events or services. This includes real estate and event signs.

*Sign face* means the surface upon, against or through which the letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign is displayed or illustrated, not including the sign support structure, or architectural features of a building.

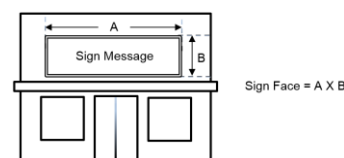
1. In the case of freestanding signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate including borders upon which the sign message is displayed or illustrated. See Figure 1.

**Figure 1**



2. In the case of signs displayed on or mounted to buildings or fences, the sign face shall include the area of the entire panel, cabinet or face substrate upon which the sign message is displayed including framed, painted or illuminated borders that contrast the sign from the background of the building or fence. See Figure 2.

**Figure 2**



3. In the case of signs consisting of individual letters and/or individual graphic elements painted or affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn using connected straight lines closest to the edge of the letters or separate graphic elements comprising the sign message. See Figure 3.

**Figure 3**



*Sign, freestanding* means a sign attached to a self-supporting structure such as columns, poles, or braces placed in or upon the ground.

*Sign height* means the total vertical measurement of a sign including all components of the sign and the sign's support structure.

*Sign, illuminated* means a sign characterized using artificial light, either projecting through its surface (internally or trans-illuminated), or reflecting off its surface (externally illuminated).

*Sign, location identity* means signs that identify address numbers, property owners, and/or geographic areas such as neighborhoods and subdivisions.

*Sign, mounted* means a sign that is applied or affixed to a building, wall or fence.

*Sign, municipal* means a sign erected by the City of Medina, or its authorized representatives, for the safety, convenience or information of its citizens, including, but not limited to, traffic control signs, legal notices, city entrance signs, and signs announcing public and community events, meetings, and activities.

*Sign, noncommercial* means a sign containing noncommercial content used for identifying a building, use, or event, or to advertise noncommercial matters, excluding municipal signs.

*Sign, off-site* means any sign that advertises or relates to an event, activity, use, good, product, or service that is not available on the premises upon which the sign is erected.

*Sign, on-site* means any sign that advertises or relates to an event, activity, use, good, product, or service that is lawfully permitted to be offered, sold, traded, provided, or conducted at the location or premises upon which the sign is erected.

*Sign, permanent* means any sign which is affixed to the ground or to any permanent structure or building, including walls, awnings and fences, in such a manner that it cannot be moved or transported with ease, and which is intended to remain in one location and position for an extended period of time.

*Sign, real estate and events* means a temporary sign that is for the sole purpose of advertising a parcel, tract, lot, site or home for rent, lease or sale; for advertising the sale of a home's household belongings; or which identifies an individual or company performing an active construction project that has obtained building permits under MMC 16.40.010(A) or (B), and which construction activity is visible

from a public street right-of-way, including remodels. For purposes of this definition, "construction projects" shall not include routine maintenance of property such as landscaping care.

*Sign support structure* means any structure designed specifically for the support of a sign and which does not form part of the sign proper or of the display.

*Sign, temporary* means a sign displaying either commercial or noncommercial messages which is not permanently affixed to the ground or any permanent structure or building and which is capable of being moved or transported with ease.

*Sign, window* means a sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

*Significant tree* means a tree of at least six-inch DBH size and of a species as identified on the "City of Medina List of Suitable Tree Species" as set forth in Chapter 16.52 MMC.

*Single-family dwelling* means a dwelling unit which is occupied as, or designed or intended for occupancy as, a residence by one family and may include family guests and/or household staff. The owner of the single-family dwelling may provide lodging to persons who are not guests and who are not part of a family provided the total number of persons, including nonfamily persons living in the dwelling, does not exceed three, excluding children with familial status within the meaning of Title 42 United States Code, Section 3602(k). The limitation on the number of nonfamily persons living in the dwelling shall not apply to adult family homes, family day-care providers' home facilities as prescribed by RCW 35A.63.215, and other living arrangements which would violate Title 42 United States Code, Section 3604.

*Single-family dwelling, detached* means a separate unconnected single-family dwelling surrounded by open space and yards and which contains one dwelling unit and up to one accessory dwelling unit. A detached single-family dwelling may have detached accessory buildings including, but not limited to, garages, accessory recreational facilities, cabanas and similar residential accessories having no more than one room plus a bathroom and otherwise not designed as an independent residence and/or not meeting the definition of an accessory dwelling unit.

*Single-family zones* means those zones where single-family detached residences are the predominant land use.

*Single housekeeping unit* means one or more person(s) who jointly have common access to and common use of all living, kitchen, and eating areas within the dwelling unit and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method.

*Soil survey* means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.



*Spa.* See definition under "hot tub."

*Species* means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

*Species, endangered* means any fish or wildlife species or subspecies that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

*Species of local importance* means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

*Species, priority* means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

*Species, threatened* means any fish or wildlife species or subspecies that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

*Sport court* means an area of ground defined by permanent surfacing, equipment and/or fencing for the purpose of playing tennis, badminton, basketball and similar social games.

[Stacked flat means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.](#)

*State Environmental Policy Act (SEPA)* means environmental review procedures required under Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 16.04 MMC.

*Steep slope* means any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof.

*Stream* means a course or route, formed by nature or modified by humans and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include specially designed irrigation and drainage ditches,

grass-lined swales, canals, stormwater runoff devices, or other courses unless they are used by salmonids or to convey watercourses that were naturally occurring prior to construction.

*Street* means a right-of-way, opened or unopened, that is intended for motor vehicle travel or for motor vehicle access to abutting property. "Street" includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of the zoning code, "street" shall not include private lanes.

*Street frontage* means the property line abutting streets.

*Structural coverage* means the area of a lot covered by structures. (See MMC 16.23.030.)

*Structure* means that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

*Subdivision* means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

*Subdivision, accumulative short* means multiple short subdivisions of contiguous existing lots held under common ownership, which would result in the creation of five or more lots within a five-year period of the initial short subdivision approval. "Ownership" for the purpose of this definition means ownership as established at the date of the initial short subdivision approval.

*Subdivision, short* means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

*Substantial destruction* means damage of any origin that is voluntarily or involuntarily sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 60 percent of the fair market value of the structure before the damage occurred. Substantially means significant in the size or amount and has a noticeable impact on the current situation to a degree that would satisfy a reasonable person as significant.

*Substantially* means significant in the size or amount and has a noticeable impact on the current situation to a degree that would satisfy a reasonable person as significant.

*Support structures* means the structure to which signs, antennas or other necessary associated hardware are mounted, including, but not limited to, lattice towers, monopoles, utility support structures, and existing nonresidential buildings.

*Swimming pool* means any artificially constructed water-holding device that has a minimum depth of 42 inches and is of sufficient size for swimming, wading, immersion, or therapeutic purposes.

(Code 1988 § 20.12.200; Ord. No. 975 § 3, 2019; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 955 § 3, 2018; Ord. No. 948 § 3, 2017; Ord. No. 924 § 21, 2015; Ord. No. 923 § 6, 2015; Ord. No. 916 § 3, 2015; Ord. No. 909 § 14, 2014; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 1017 , § 6, 2022)

#### **16.12.210. "T" definitions.**

*Target*, when used for assessing hazard trees, means people, property or activities that could be injured, damaged, or disrupted by a tree.

*Target, likelihood of impact* means the chance of a target being impacted by a failed part of a tree. The likelihood of impacting a target can be categorized as follows:

1. *Very low*. The chance of the failed tree or branch impacting the specific target is remote;
2. *Low*. It is not likely that the failed tree or branch will impact the target;
3. *Medium*. The failed tree or branch may or may not impact the target, with nearly equal likelihood; or
4. *High*. The failed tree or branch will most likely impact the target.

In evaluating the likelihood of impacting a target, the occupancy rate of the target and any factors that could affect the failed tree as it falls towards the target shall be used in determining the likelihood of impact.

*Temporary public facility* means a land use and/or facilities owned, operated, and maintained temporarily by a city government agency, a public or nonprofit school, or religious organization.

*Terrace* means a level platform or shelf of earth supported on one or more faces by a wall, bank of turf, stable inclined grades, or the like.

[Tier 3 city means a city with a population of less than 25,000 that is within a contiguous urban growth area with the largest city in a country with a population of more than 275,000, based on 2020 Office of Financial Management population estimates. The City of Medina is classified as a Tier 3 city.](#)

*Title report* means the written analysis of the status of title to real property, including a property description, names of titleholders and how title is held (joint tenancy, etc.), encumbrances (mortgages, liens, deeds of trusts, recorded judgments), and real property taxes due.

[Townhouses means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.](#)

*Tract* means an extended area of land reserved exclusively for a special use such as open space, surface water retention, utilities, or access. Tracts reserved for a special use are not considered building sites.

*Transitional housing* means one or more dwelling units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

*Treasurer, county* means the person defined in Chapter 36.40 RCW, or the office of the person assigned such duties under the King County Charter.

*Treatment best management practice* means a facility designed to remove pollutants contained in stormwater. Some methods of pollutant removal include sedimentation/settling, filtration, plant uptake, and bacterial decomposition. Treatment BMPs include, but are not limited to: vegetated filter strips, oil and water separators, biofiltration swales, and linear sand filters. Further information can be found in the stormwater manual adopted under MMC 13.06.020.

*Tree* means a self-supporting woody perennial plant, excluding a bush or shrub.

*Tree, dead* means a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life) and has been determined to be in such a state by a certified arborist during a nondormant or other natural stage of the tree that would minimize the likelihood that the tree would be mistakenly identified as being in such a dead state.

*Tree, hedge* means a row of smaller trees planted close together and growing in a dense continuous line 20 feet in length or longer that form a thicket barrier.

*Tree protection zone* means area identified by the director in which no soil disturbances are permitted and activities are restricted.

*Tree, right-of-way* means a tree with at least two-thirds of its trunk diameter on public right-of-way.

*Tree risk* means the combination of the likelihood of an event and the severity of the potential consequences. In the context of trees, risk is the likelihood of a conflict or tree failure occurring and affecting a target and the severity of the associated consequences: personal injury, property damage, or disruption of activities. Risk is evaluated by categorizing or quantifying both the likelihood (probability) of occurrence and the severity of the consequences.

*Tree species* means group of trees that resemble each other closely and interbreed freely.

*Tree topping* means an inappropriate technique to reduce tree size that cuts through a stem more than two years old at an indiscriminate location.

*Truck gardening* means the same as "market gardens," which is the small-scale production of fruits, vegetables and flowers, frequently sold directly to consumers.

(Code 1988 § 20.12.210; Ord. No. 1008 , § 3, 3-14-2022; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 923 § 7, 2015; Ord. No. 909 § 15, 2014; Ord. No. 900 § 4 (Att. A), 2013)

#### **16.12.220. "U" definitions.**

*UDC* means Unified Development Code as set forth in this title.

*Uncovered* means, when used in conjunction with a structure such as decks, stairs, patios, etc., open above and without cover.

*Unit means a dwelling unit of any type.*

*Unit density means the number of dwelling units allowed on a lot, regardless of lot size.*

*Use* means any activity, occupation, business or operation carried out, or intended to be carried on, in a building or other structure or on a parcel of land.

*Use, accessory.* See definition of "accessory."

*Use, principal* means the main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which may be used, occupied or maintained under the Medina Municipal Code.

*Utility support structure* means poles that support street lights, and poles used to support electrical, telephone, cable or other similar facilities. These poles are typically constructed of wood, steel, concrete and composite materials.

(Code 1988 § 20.12.220; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

#### **16.12.230. "V" definitions.** *(no changes needed)*

#### **16.12.240. "W" definitions.** *(no changes needed)*

**16.12.270. "Z" definitions.** *(no changes needed)*

## **CHAPTER 16.14. DEVELOPMENT PERMIT FEES**

*(no changes needed)*

## **CHAPTER 16.16. ENFORCEMENT**

*(no changes needed)*

## **SUBTITLE 16.2. LAND USE**

## **CHAPTER 16.20. ESTABLISHMENT OF ZONING**

### **16.20.010. Comprehensive plan and zoning.**

- A. The comprehensive plan establishes a community vision for a high-quality ~~single-family~~ residential setting and the coordinating goals and policies that support this vision. Development regulations implement the comprehensive plan by specifying how and for what purpose each parcel of land may be used.
- B. Table 16.20.010 prescribes the relationship between the comprehensive plan and zoning designations by identifying the comprehensive plan land use designation and the corresponding implementing zoning designations.

**Table 16.20.010: Comprehensive Plan and Zoning**

Comprehensive Plan Land Use Designation	Implementing Zone Designations
<del>Single-family residential</del> Residential, including single-family, duplexes, stacked flats, courtyard apartments, and cottage housing.	<del>Single-family residence</del> Residential —R16
	<del>Single-family residence</del> Residential —R20
	<del>Single-family residence</del> Residential —R30
	Suburban gardening residential—SR30
Local business	<del>Single-family residence</del> Residential —R16
	Suburban gardening residential—SR30
	Neighborhood auto servicing
Public facility	<del>Single-family residence</del> Residential —R16
	Parks and public places
School/institution	Parks and public places
Utility	All
Park	All
Open space	All

**Commented [ZT3]:** The Department of Commerce says these types are “allowed by-right” since they can be “reasonably built” in two unit per lot configurations.

(Code 1988 § 20.20.010; Ord. No. 900 § 4 (Att. A), 2013)

#### 16.20.020. Adoption of official zoning map.

- A. The zoning map adopted by Ordinance No. 907, and amendments thereto, shall serve as the City of Medina official zoning map. Said map and all notations, references, data and other information shown on the official zoning map are adopted and made part of the UDC.
- B. The city is divided into the following zoning districts with the map symbols shown in parentheses, and which are shown on the official zoning map:

1. ~~Single family residence~~ Residential R16 (R-16);
2. ~~Single family residence~~ Residential R20 (R-20);
3. ~~Single family residence~~ Residential R30 (R-30);
4. Suburban gardening residential SR30 (SR-30);
5. Neighborhood auto servicing (N-A); and
6. Park and public places (Public).

C. The following special zoning map overlays with the map symbols shown in parentheses are established and shown on the official zoning map:

1. Neighborhood character preservation district—Medina Heights (Medina Heights); and
2. Planned land use development (PLUD).

D. In addition to the zoning districts and special zoning map overlays, a primary state highway designation shall apply to the SR 520 right-of-way and be shown on the official zoning map (state ROW).

(Code 1988 § 20.20.020; Ord. No. 907 § 3, 2014; Ord. No. 900 § 4 (Att. A), 2013)

**16.20.030. Zoning map interpretations.** *(no changes needed)*

**CHAPTER 16.21. USE AND OCCUPANCY DEVELOPMENT REGULATIONS**

**16.21.010. Purpose.** *(no changes needed)*

**16.21.020. Permitted uses, prohibited uses.** *(no changes needed)*

Uses listed in Table 16.21.030 are subject to the following:

- A. Uses listed with a "P" are permitted outright, subject to applicable development regulations;
- B. Uses listed with an "L" are limited uses and are permitted subject to the applicable regulations in Chapter 16.31 MMC and other applicable development regulations;
- C. Uses listed with an "A" are administrative uses and are permitted subject to an administrative special use permit or administrative conditional use permit and applicable development regulations;



- D. Uses listed with a "SU" are special uses and are permitted subject to a nonadministrative special use permit and applicable development regulations;
- E. Uses listed with a "CU" are conditional uses and are permitted subject to a nonadministrative conditional use permit and applicable development regulations;
- F. Uses listed with an "H" are historical uses and are permitted subject to a historical use permit and applicable development regulations;
- G. Uses listed in the table, but shown as blank in the column under a specific zone, are prohibited in that zone;
- H. Uses not listed in the table are prohibited, except as may be allowed by MMC 16.21.040 or 16.21.050;
- I. Review procedures for deciding project permit applications are found in Chapters 16.70 through 16.72 MMC.

(Code 1988 § 20.21.020; Ord. No. 900 § 4 (Att. A), 2013)

### 16.21.030. Use table.

Table 16.21.030 establishes those uses which are permitted, those uses subject to specific development standards, and those uses requiring special approval and that are prohibited within each zoning district.

**Table 16.21.030: Land Use Table**

Uses	R-16 Zone	R-20 Zone	R-30 Zone	SR- 30 Zone	NA Zone	Public Zone
<b>Residential Uses</b>						
Accessory dwelling units	P	P	P	P	P	P
Accessory recreational facilities	A	A	A	A	A	A
Accessory recreational facilities—Minor	L	L	L	L	L	L
Accessory uses—On-site	P	P	P	P	P	P
Accessory uses—Off-site	L	L	L	L	L	L

Adult family home	L	L	L	L	L	L
Detached, single-family dwelling	P	P	P	P	P	P
Family day care home	L	L	L	L	L	L
Manufactured home	L	L	L	L	L	L
<u>Low rise apartments</u>	=	=	=	=	=	=
<u>Duplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Stacked flats</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cottage housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Courtyard apartments</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Permanent supportive housing	L	L	L	L	L	L
Transitional housing	L	L	L	L	L	L
<u>Short term rental</u>	=	=	=	=	=	=
<u>Townhouses</u>	=	=	=	=	=	=
<b>Nonresidential Uses</b>						
Automobile service station					L	
Automobile mechanical repair					L	
Commercial horticulture/truck gardening/agriculture, excluding the raising of animals				L		
Clubhouse—Public/private		SU				SU

**Commented [KP4]:** Four possible middle housing types added. See RCW 36.70A.635.

**Commented [KP5R4]:** The selected middle housing types will be inserted in alphabetical order prior to final ordinance drafting.

**Commented [KP6R4]:** Technically, “stacked flats”, “cottage housing”, and “courtyard apartments” could be included within the definition of “duplex”. Warrants further discussion.

Golf course		SU				SU
Historical use	H				H	
Home business	L	L	L	L	P	P
<b>Public and Institutional Uses</b>						
City government facilities						CU
Post office						SU
Public safety						CU
Public park	P	P	P	P	P	P
Electrical power and utility substation	SU	SU	SU	SU	SU	SU
Accessory recreational facilities—Public	P	P	P	P	P	P
Religious facility	SU	SU	SU	SU	SU	SU
School—Public/private (preschool to grade 12)						SU
Temporary city government facilities	L	L	L	L	P	P
Wireless communication facilities	SU	SU		SU	SU	SU
<b>Shoreline Uses</b>						
See Chapter 16.62 MMC for a list of uses within the shoreline jurisdiction.						
*See MMC 16.21.020 for explanation of "P," "L," "A," "SU," "CU," and "H."						
<u>For limitations on development of Middle Housing, see MMC 16.21.060.B</u>						

(Code 1988 § 20.21.030; Ord. No. 1008 , § 4, 3-14-2022; Ord. No. 960 § 2, 2018; Ord. No. 933 § 4, 2016; Ord. No. 911 § 3, 2014; Ord. No. 900 § 4 (Att. A), 2013)

#### 16.21.040. Accessory uses.

- A. Accessory uses listed in Table 16.21.030 and elsewhere in the UDC are allowed consistent with MMC 16.21.020 and Table 16.21.030.
- B. Accessory uses not listed in Table 16.21.030 or elsewhere in the UDC may be allowed provided the director determines the accessory use is customary and incidental to the principal use.
- C. Except where expressly provided for otherwise in Table 16.21.030, accessory uses shall be permitted the same as the principal use. The director may waive this for an accessory use established after the time the principal use is established involving a "SU," "CU" or "H" from the table if:
  - 1. The principal use complies with the permit requirement in Table 16.21.030;
  - 2. The accessory use is within the scope and intent of the original permit as determined by the director; and
  - 3. The addition of the accessory use will not result in the use of the land as a whole to have a detrimental effect on neighboring properties and streets due to noise, lighting, off-site traffic generation, and similar negative impacts.
- D. There is no limit on the number of accessory uses that may be associated with a principal use, subject to other limitations in the Medina Municipal Code.
- E. Except where expressly allowed off site in MMC 16.34.030, accessory uses shall be located on the same lot as the principal use.
- F. Accessory uses involving marijuana use as defined in MMC 16.12.140 are prohibited notwithstanding a state license or other recognition pursuant to RCW Title 69.

(Code 1988 § 20.21.040; Ord. No. 933 § 5, 2016; Ord. No. 900 § 4 (Att. A), 2013)

#### 16.21.050. Similar uses. *(no changes needed)*

#### 16.21.060. Maximum dwelling units on a lot.

A. ~~(Where) Table 16.21.030 authorizes dwelling uses, only two one dwelling units per lot are allowed the maximum unit density per lot is limited to two units, except if one unit is a single-family home, then up to two accessory additional dwelling units dwelling units meeting the requirements set forth in MMC 16.34.020 may be allowed on the same lot, for the following:~~

~~1A. Accessory dwelling units meeting the requirements set forth in MMC 16.34.020;~~

**Commented [KP7]:** Revisions made pursuant to RCW 36.70A.635(5).

**Commented [JR8]:** Revisions for clarity to confirm the maximum unit density per lot is 2, plus one ADU meeting code requirements. Also, added the information from the footnote and updated that.

B. The density requirements set forth in subsection “A” above does not permit middle housing to be developed in the following areas:

1. Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.

2. A watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

3. Lots that have been designated urban separators by countywide planning policies as of July 23, 2023.

4. A lot that was created through the splitting of a single residential lot.

~~2B. Detached single family, or middle housing dwellings provided:~~

~~i1. The minimum net lot area is equal to or greater than the minimum net lot area set forth in Table 16.22.020 of the zoning district where the dwellings are located multiplied by the number of detached single family dwellings on the lot; and~~

~~ii2. All development regulations and limitations applicable to buildings in the zoning district where such dwellings are located are followed.~~

~~3. Middle Housing forms compliant with all other MCO development regulations.~~

~~CB. The standard of 16.21.060(A) does not apply to lots after subdivision below 1,000 square feet. These lots shall only permit one dwelling unit per lot, except additional dwelling units may be allowed on the same lot for the uses stated in 16.21.060 (A)(1) & (A)(2).~~

**[OPTION FOR COUNCIL DISCUSSION]** D. The standard in 16.21.060(A) may be modified for lots meeting the standards set forth in MMC 16.30.100 with the use of a development agreement.

(Code 1988 § 20.21.060; Ord. No. 932 § 7, 2016)

## **CHAPTER 16.22. LOT DEVELOPMENT STANDARDS**

**16.22.010. Purpose.** *(no changes needed)*

### 16.22.020. Lot development standards.

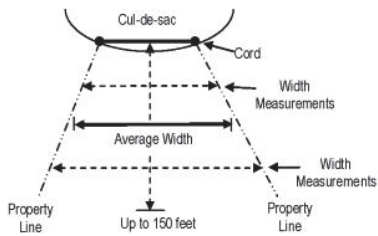
- A. The pertinent requirements for minimum net lot area, minimum lot width, and minimum street frontage applicable to each lot is determined by the zoning district in which the lot is located and the corresponding standards in Table 16.22.020.

**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 ft.	70 ft.
R-20	20,000 sq. ft.	70 ft.	70 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

- B. The lot width is determined by calculating the average horizontal distance between the side lot lines where the building envelope is located. If a lot has an irregular shape (i.e., less than two side property lines) or is a corner lot, lot width is determined by calculating the average horizontal distance between the longer dimensional lot lines where the building envelope is located.
- C. The street frontage is determined by measuring the distance of the property line adjoining a street subject to the following conditions:
1. Where a lot lies outside the curve of a street or private lane in such a manner as to have a property line curved inward such as a cul-de-sac, the street frontage is determined by calculating the average width of the lot measured parallel to the chord of the arc of such frontage over the depth of such lot or the first 150 feet thereof, whichever is less (see Figure 16.22.020);

**Figure 16.22.020: Curved Street Frontage**



2. Where a lot has a property line adjoining more than one street, the street frontage is determined using the property line adjoining the greater street length;
  3. The requirements for street frontage shall not apply to flag lots, or lots located at the terminal end of a street or private lane provided emergency vehicle access and turnaround requirements are met; and
  4. The requirements for street frontage for lots fronting on a private lane are prescribed in Chapter 16.91 MMC.
- D. In the R-20 and R-30 zones, where a single lot contains high bank steep slopes and has more than the minimum net lot area required in Table 16.22.020, the lot may be divided to create two lots with one or both lots having less than the required minimum net lot area provided:
1. Lots adjoining the single lot being divided are owned and/or controlled by a person or entity different than the owner of the subject single lot being divided;
  2. No more than two lots result from the division;
  3. Each lot has at least the greater between 85 percent of the minimum net lot area required by the zoning district in which the lot is located, or 16,000 square feet;
  4. There is a difference in elevation of at least 25 feet between the average elevations of the area within the building envelope of each lot;
  5. Restrictive covenants are recorded on each lot that state:
    - a. No structure or building on (insert legal description of the lot with the higher average elevation here) shall be placed in a manner where the elevation of the lowest point of the foundation above the ground surface is less than the elevation of the highest point

of an existing or future structure or building on the lot with the lower average elevation;  
and

- b. No structure or building on (insert legal description of the lot with the lower average elevation here) shall be placed in a manner where the elevation of the highest point of an existing or permitted future structure exceeds the elevation of the lowest point of the foundation above the ground surface on the building or structure on the lot with the higher average elevation; and

6. A nonadministrative variance is approved pursuant to MMC 16.72.030, except the conditions set forth in subsections (D)(1) through (5) of this section shall be used in deciding the variance.

(Code 1988 § 20.22.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

#### **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	Lake Washington Shoreline
Less than 10,001	25 feet	25 feet	10 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 10 feet or 15% of the lot width; not to exceed 20 feet	
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- B. Setbacks are measured as the distance between the property line and the closest point of any part of the building or structure to the property line, including but not limited to architectural elements, roof eaves, gutters and mechanical equipment. (See Figure 16.22.030(A).)
- C. To determine compliance with the setback standards in Table 16.22.030, the setback is measured along a horizontal plane consistent with subsection (B) of this section.
- D. Where a lot adjoins a private lane and has less than 30 feet of public street frontage, the front, rear and side property lines shall be determined as follows, except as provided in subsection (E) of this section:
1. The side property lines shall generally correspond to the long dimension of the lot;
  2. The front and rear property lines shall generally correspond to the shorter dimensions of the lot;
  3. If the dimensions of the lot form a square, the applicant may elect to designate the front property line with the rear and side property lines designated consistent with the definitions in Chapter 16.12 MMC.
- E. Where a lot adjoining a private lane or at the terminal end of the street has a condition where the orientation of the dwelling on the lot, or the orientation of dwellings on adjacent properties, logically suggests setbacks that do not correspond to the longer and shorter dimensions of the lot, the setbacks shall be established using the logical orientation rather than the dimensions of the lot.
- F. In addition to the setbacks prescribed by this section, if a lot adjoins a private lane, a setback from the private lane easement is required pursuant to MMC 16.91.060.

Figure 16.22.030(A): Measuring Setbacks

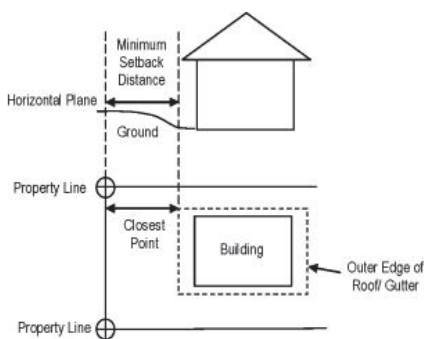
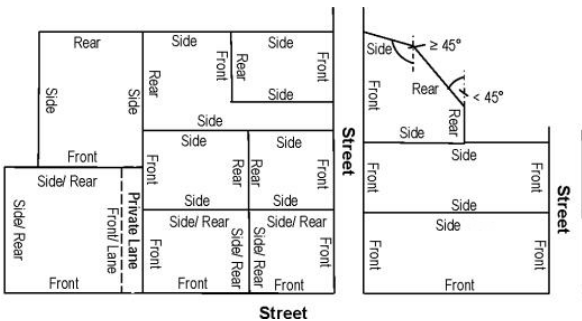
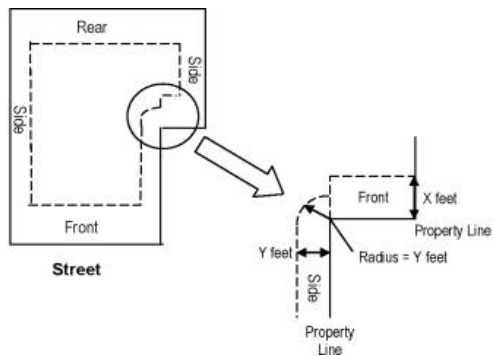


Figure 16.22.030(B):  
Setback Property Line Designations  
(See "property Line" definitions in Chapter 16.12 MMC)



**Figure 16.22.030(C): Setbacks at Step Shaped Property Line Intersections**



(Code 1988 § 20.22.030; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 906 § 11, 2014; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 1001 , § 2, 6-14-2021)

**16.22.040. Protrusions into setback areas.** *(no changes needed)*

**16.22.050. Corner lot optional setback.** *(no changes needed)*

**16.22.060. Property lines defined as rear and side.** *(no changes needed)*

**16.22.070. Curved property lines.** *(no changes needed)*

## **CHAPTER 16.23. BULK DEVELOPMENT STANDARDS**

**16.23.010. Purpose.** *(no changes needed)*

**16.23.020. Structural coverage and impervious surface standards.**

- A. Table 16.23.020(A) establishes the total structural coverage and total impervious surface allowed on a lot within the R-16 zone:

**Table 16.23.020(A): R-16 Zone Total Structural Coverage and Impervious Surface Standards**

Square Footage of the Lot Area	Maximum Structural Coverage	Maximum Impervious Surface
10,000 or less	30 percent	55 percent
10,001 to 10,500	29.58 percent	55 percent
10,501 to 11,000	29.17 percent	55 percent
11,001 to 11,500	28.75 percent	55 percent
11,501 to 12,000	28.33 percent	55 percent
12,001 to 12,500	27.92 percent	55 percent
12,501 to 13,000	27.5 percent	55 percent
13,001 to 13,500	27.08 percent	55 percent
13,501 to 14,000	26.67 percent	55 percent
14,001 to 14,500	26.25 percent	55 percent
14,501 to 15,000	25.83 percent	55 percent
15,001 to 15,500	25.42 percent	55 percent
15,501 to 15,999	25.21 percent	55 percent
16,000	25 percent	55 percent
16,001 to 16,500	24.5 percent	55 percent
16,501 to 17,000	24 percent	55 percent
17,001 to 17,500	23.5 percent	55 percent
17,501 to 18,000	23 percent	55 percent
18,001 to 18,500	22.5 percent	55 percent

18,501 to 19,000	22 percent	55 percent
19,001 to 19,500	21.5 percent	55 percent
19,501 to 29,999	21 percent	55 percent
30,000 and greater	21 percent	55 percent

- B. Table 16.23.020(B) establishes the total structural coverage and the total impervious surface allowed on a lot within the R-20, R-30 and SR-30 zones:

**Table 16.23.020(B): R-20, R-30 and SR-30 Zones Total Structural Coverage and Impervious Surface Standards**

Square Footage of the Lot Area	Maximum Structural Coverage	Maximum Impervious Surface	
		R-20 Zone	R-30/SR-30 Zones
16,000 or less	25 percent	52.5 percent	52.5 percent
16,001 to 16,500	24.5 percent	52.5 percent	52.5 percent
16,501 to 17,000	24 percent	52.5 percent	52.5 percent
17,001 to 17,500	23.5 percent	52.5 percent	52.5 percent
17,501 to 18,000	23 percent	52.5 percent	52.5 percent
18,001 to 18,500	22.5 percent	52.5 percent	52.5 percent
18,501 to 19,000	22 percent	52.5 percent	52.5 percent
19,001 to 19,500	21.5 percent	52.5 percent	52.5 percent
19,501 to 29,999	21 percent	52.5 percent	52.5 percent
30,000 and greater	21 percent	52.5 percent	50 percent

- C. The total maximum structural coverage and impervious surface area allowed on a lot within the parks and public places and the neighborhood auto zones shall be pursuant to the special use provisions specified for uses within those zones. However, where structural coverage or impervious surface maximums are not specified under the special use provisions, the structural coverage and impervious surface area maximum for the R-20 zone in Table 16.23.020(B) shall apply as applicable.
- D. The maximum structural coverage and maximum impervious surface area allowed on a lot is determined by multiplying the square footage of the lot area by the corresponding structural coverage and impervious surface area maximum percentages specified in Tables 16.23.020(A) and (B) for the zone in which the lot is located (e.g., a 16,000 square foot lot zoned R-16 may have a maximum of 4,000 square feet ( $16,000 \times 0.25 = 4,000$ ) structural coverage and 8,800 square feet ( $16,000 \times 0.55 = 8,800$ ) impervious surface area per Table 16.23.020(A)).

(Code 1988 § 20.23.020; Ord. No. 908 § 1, 2014; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 1002 , § 2, 6-14-2021)

#### **16.23.030. Calculating structural coverage.** *(no changes needed)*

#### **16.23.040. R-20, R-30 and SR-30 structural coverage bonus.**

Lots located within the R-20, R-30 and SR-30 zones are allowed an additional two percent structural coverage for uncovered decks, porches and verandas provided:

- A. Roof eaves do not project more than two feet over the structure measured outward from the exterior wall of the building; and
- B. If decks, porches or verandas extend outward from above the first story of a building or from the floor above the day-lighted parts of a basement, the space underneath the structure must remain unenclosed and without hardscape.

(Code 1988 § 20.23.040; Ord. No. 900 § 4 (Att. A), 2013)

#### **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

- D. The methods for measuring the height of buildings and structures are set forth in MMC 16.23.060.
- E. 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.

(Code 1988 § 20.23.050; Ord. No. 932 § 11, 2016; Ord. No. 900 § 4 (Att. A), 2013)

**16.23.060. Measuring building and structure height.** *(no changes needed)*

**16.23.070. Building and structure height exceptions.** *(no changes needed)*

**16.23.080. Determining original grade.** *(no changes needed)*

## **SUBTITLE 16.3. SPECIAL DEVELOPMENT STANDARDS**

### **CHAPTER 16.30. CITY-WIDE USES**

**16.30.010. Fences, walls and gates.** *(Future discussion on fence height)*

**16.30.020. Signs.** *(no changes needed)*

**16.30.030. Location identity signs.** *(no changes needed)*



#### 16.30.040. Reconstruction, remodeling, expansion of nonresidential uses.

*(no changes needed)*

#### 16.30.050. Works of art. *(no changes needed)*

#### 16.30.060. Residential off-street parking.

1. Off-street parking for each single-family dwelling shall be provided as follows:

- A. If a lot has access from a street, a minimum of two on-site parking spaces is required;
- B. If a lot has access from a private lane, on-site parking spaces shall be required as follows:
  - 1. The surface area of each parking space shall be at least 250 square feet; and
  - 2. The minimum number of parking spaces shall be:
    - a. In the R-16 zoning district: three spaces;
    - b. In the R-20 zoning district: four spaces;
    - c. In the R-30 zoning district: five spaces;
  - 3. Such off-street parking areas shall be separate and distinct from the easement or turnaround required for the private lane;

2. Off-street parking for middle-housing dwellings shall be provided as follows:

- A. No off-street parking shall be required within one-half mile walking distance of a major transit stop.
- B. A maximum of one off-street parking space per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

3. ~~Off-street parking for both single-family residential dwellings as well as middle housing shall be as follows:~~

- ~~CA.~~ Additional off-street parking spaces, which are not required, may be located on site or off site as allowed in MMC 16.34.030; and
- ~~DB.~~ Parking areas shall not be located within setback areas, except as allowed otherwise by law.

Commented [ZT9]: Required RCW 36.70A.635(6)

(Code 1988 § 20.30.050; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013)

**16.30.070. Landscape screening.** *(no changes needed)*

**16.30.080. Residential driveways.** *(no changes needed)*

**16.30.090 Cottage Housing. Reserved for future work.**

**16.30.100 Townhouses. Reserved for future work.**

## **CHAPTER 16.31. LIMITED USES**

*(no changes needed)*

## **CHAPTER 16.32. SPECIAL USES**

*(no changes needed)*

## **CHAPTER 16.33. HISTORICAL USES**

*(no changes needed)*

## **CHAPTER 16.34. ACCESSORY USES**

**16.34.010. General provisions.** *(no changes needed)*

### **16.34.020. Accessory dwelling units.**

This section establishes the development criteria that apply to accessory dwelling units.

- A. Accessory dwelling units meeting the requirements of this section are ~~excluded~~ included within the ~~from~~ density and minimum lot area requirements.

**Commented [KP10]:** Edits to this section were made pursuant to EHB 1337.

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- B. Accessory dwelling units shall be fully contained within and attached to a single-family dwelling, or must be located within a detached accessory building.
- C. ~~Up to two~~Only one accessory dwelling units may be permitted on a lot per each single-family dwelling located on the same lot, provided that the unit density set forth in MMC 16.21.060 for that lot is not otherwise exceeded. If a lot is developed with a duplex, or with two units meeting the definition of middle housing, then no accessory dwelling unit is permitted on that lot.
- D. Development standards.
1. The accessory dwelling unit shall comply with the development standards of the zoning where the accessory dwelling unit is located.
  2. Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal unit under the code.
  3. Accessory dwelling units shall not be allowed on any lot that contains critical areas or buffers or that is not connected to a public sewer system.
  4. Accessory dwelling units shall not be allowed within the shoreline jurisdiction.
  - ~~25. The accessory dwelling unit shall contain no more than the lesser of 1,000 square feet of gross floor area, or 40 percent of the total square footage of the gross floor area of the single family dwelling and accessory dwelling unit combined.~~
  53. All of the structures on the property shall have ~~the~~ a cohesive and consistent appearance, including roof shape, glazing, exterior finishing materials and colors, of a single family with all other dwelling units and ~~any~~ other permitted accessory structures on the lot.
  - ~~4. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation.~~
  - ~~5. There shall be no sign or other indication of the accessory dwelling unit's existence other than an address sign and a separate mail box.~~
  66. A certification by City of Bellevue utilities is required indicating that water supply and sanitary sewage are available to adequately serve the accessory dwelling unit.
  7. Accessory dwelling units may not be used as short term rentals.
  8. The maximum gross floor area for an accessory dwelling unit is 1,000 square feet.

9. The maximum roof height for an accessory dwelling unit is no more than twenty-five (25) feet, or the maximum height allowed for the primary unit on the lot, whichever is lower.

- E. There shall be one off-street parking space provided for the accessory dwelling unit, which shall be in addition to any off-street spaces required for the principal ~~single-family~~ dwelling unit. The only exception for the accessory dwelling unit off-street parking requirement is when the accessory dwelling unit is located within one-quarter mile of a major transit stop.
- F. Garage space and other accessory buildings may be converted into an accessory dwelling unit. However, if the converted accessory building contained parking, the minimum parking standards for both the principle unit and any accessory dwelling unit must be replaced elsewhere on the property. Nonconforming use rules as set forth in chapter 16.36 MMC apply to any accessory buildings that are converted which are not consistent with the applicable codes at the time of conversion. ~~only if the number of covered garage spaces eliminated by the conversion is replaced by the same number of covered garage spaces elsewhere on the property.~~
- G. An accessory dwelling unit must contain:
  - 1. Bathroom facilities that include a toilet, sink and a shower or bathtub; and
  - 2. Food storage and preparation facilities and a sink.
- H. A property owner seeking to establish a legal accessory dwelling unit shall apply to register the dwelling unit with the city pursuant to MMC 16.70.070. The application shall include an agreement, in a form approved by the city, by the property owner to maintain the accessory dwelling unit in compliance with the standards set forth in this section.
- I. After the accessory dwelling unit is approved, a registration form signed by the record holders of the property shall be recorded with the King County auditor's office. Said registration form shall contain:
  - 1. The street address and legal description of the property; and
  - 2. The requirement for maintaining the accessory dwelling unit in compliance with the requirements of this section.
- J. The registration of the accessory dwelling unit may be canceled pursuant to MMC 16.70.070 by the property owner by recording a certificate of cancellation in a form satisfactory to the city with the King County department of records and elections. The city may record a notice of cancellation upon failure to comply with the standards set forth in this section.

(Code 1988 § 20.34.020; Ord. No. 969 § 3 (Exh. A), 2019; Ord. No. 900 § 4 (Att. A), 2013; Ord. No. 1001 , § 5, 6-14-2021; Ord. No. 1017 , § 8, 2022)

**16.34.030. Off-site accessory uses.** *(No changes needed)*

**16.34.040. Accessory recreational facilities.** *(No changes needed)*

**CHAPTER 16.35. TEMPORARY USES**

*(no changes needed)*

**CHAPTER 16.36. NONCONFORMITY**

*(no changes needed)*

**CHAPTER 16.37. WIRELESS COMMUNICATION FACILITIES**

*(no changes needed)*

**CHAPTER 16.38. SMALL WIRELESS FACILITIES**

*(no changes needed)*

**CHAPTER 16.39. PARKING**

*(no changes needed)* fcottf