

CITY OF MEDINA, WASHINGTON

Ordinance No.1052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING AN INTERIM OFFICIAL CONTROL RELATING TO ZONING, AMENDING THE MEDINA MUNICIPAL CODE TO PROVIDE FOR REDUCED BULK AND INCREASED 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), AND 16.44.040 (TO ADOPT LIGHTING LIMITATIONS FOR VACANT RESIDENCES); ADOPTING FINDINGS IN SUPPORT OF THIS ORDINANCE; PROVIDING FOR VESTED RIGHTS, INTERPRETATION AUTHORITY, AND SETTING A PUBLIC HEARING AS REQUIRED BY STATE LAW TO TAKE TESTIMONY ON THIS INTERIM OFFICIAL CONTROL; PROVIDING FOR SEVERABILITY AND CORRECTIONS; DIRECTING THE PLANNING COMMISSION TO WORK ON PERMANENT REGULATIONS FOR BULK STANDARDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and interim zoning controls related to land uses; 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 consistent with State law; and

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

WHEREAS, in order to make sure such increased density and development does not vest to the existing bulk and development standards, the City Council deems it in the public interest to adopt an interim official control until such time and the City can process, consider and adopt updated permanent lighting regulations; and

WHEREAS, the interim official control imposed herein promotes the public good and is necessary for the protection of public health, property, 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 initial findings of fact in support of the interim official control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 10 below.

Section 2. Interim Official Control Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby imposes an interim official control, as described in Sections 3 through 9, to amend the Medina Municipal Code as set forth therein.

Section 3. 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 for first floor,	<u>Side Property Line for portions of</u>	Lake Washington Shoreline

			<u>or up to 16 feet in height above finished grade, whichever is lower</u>	<u>the structure above the first floor, or over 16 feet in height above finished grade, whichever is lower</u>	
Less than 10,001	25 feet	25 feet	40 <u>15</u> feet	<u>20 feet</u>	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	<u>The greater of 20 feet or 25% of the lot width; not to exceed 25 feet</u>	

* * * * *

Section 4. 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, 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 5. 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 6. 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.

* * * * *

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:

* * * * *

- ~~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 8. 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 which can be seen from outside of the dwelling 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 9. Effect on Vested Rights. The interim official control imposed under Sections 3 through 8 of this Ordinance shall apply prospectively only and shall be all Permit Applications, Land Use Development Applications, Land Division Applications, and Variance Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Medina's regulations, provided that such an applicant has filed a complete Permit, Development or Variance Application before the effective date of this ordinance.

Section 10. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact, on or before April 24, 2026. The Council hereby schedules the public hearing for **April 14, 2026**.

Section 11. Interpretive Authority. The City of Medina Development Services Director, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 12. 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 13. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 14. 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/clerk errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 15. Direction to Planning Commission. The Planning Commission is directed to review this Ordinance and study the issues presented and to develop and process final regulations for City Council consideration.

Section 16. Effective Date; Declaration of an Emergency. The City Council hereby declares an emergency exists which necessitates that this Ordinance take effect immediately upon passage in order to ensure consistency in land use decisions and to avoid vesting to amended code. Such declaration preserves public health, safety, and welfare. This interim official control ordinance shall take effect immediately upon passage of a majority plus one of the City Council and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim official control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 23rd DAY OF FEBRUARY, 2026 BY A VOTE OF ___ FOR, ___ AGAINST, AND ___ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 23rd DAY OF FEBRUARY, 2026.

Jessica Rossman, Mayor

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

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 1052 / AB