

CITY OF MEDINA, WASHINGTON

Ordinance No. **xxx**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, AMENDING THE MEDINA UNIFIED DEVELOPMENT CODE FOR CONSISTENCY WITH THE MIDDLE HOUSING LAWS (TO INCORPORATE REQUIREMENTS IN ESSHB 1110 AND ESSB 2321 AND ACCESSORY DWELLING UNIT REQUIREMENTS IN EHB 1337); MAKING REVISIONS TO THE FOLLOWING SECTIONS OF THE MEDINA MUNICIPAL CODE (MMC) 16.00.020, 16.12.040, 16.12.050, 16.12.140, 16.12.210, 16.12.220, 16.20.010, 16.20.020, 16.21.030, 16.21.060, 16.30.060, 16.34.020, ADDING A NEW SECTION 16.30.090, AND MAKING A HOUSEKEEPING CHANGE TO 16.30.010; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted legislation regarding middle housing (ESSHB 1110 and ESSB 2321) and imposed requirements on cities to bring their land use codes into compliance with that legislation; and

WHEREAS, Medina is classified as a “Tier 3 city” under the middle housing legislation and is required to have a compliant code by June 30, 2025; and

WHEREAS, the State legislature also adopted requirements for accessory dwelling units in EHB 1337 and imposed requirements on cities to bring their land use codes into compliance with that legislation by June 30, 2025; and

WHEREAS, under the middle housing legislation, Medina is required to allow two dwelling units on any lot that is zoned for residential development; and

WHEREAS, under the accessory dwelling unit legislation, Medina is required to allow up to two accessory dwelling units on certain residential lots with single-family homes, but only up to the density requirements in the middle housing legislation; and

WHEREAS, in order to ensure consistency between state law and the Medina Municipal Code (MMC), certain updates are required; and

WHEREAS, during the development of this Ordinance, the State Department of Commerce changed its guidance documents to cities numerous times, including as late as November of 2024; and

WHEREAS, the State Legislature continues to change housing laws and impose additional mandates on cities, therefore, Medina is implementing the requirements applicable as this Ordinance was being developed, but intends to continue to work on housing, planning, and development issues including considering additional revisions to the Medina Municipal Code; and

WHEREAS, this Ordinance is only one component of the Medina housing and development work plan and thus represents “phase one” of housing and land use updates; and

WHEREAS, the City Council intends that additional work will continue following the adoption of this Ordinance which may further change the codes as modified by this Ordinance; and

WHEREAS, a draft code update was provided to Commerce on January 31, 2025 for early review; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day review on March 25, 2025; and

WHEREAS, on March 25, 2025, the City’s SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with WAC 197-11-510, and there have been no appeals; and

WHEREAS, the Medina Planning Commission held eight (8) study sessions on this Ordinance and the Medina City Council held twelve (12) meetings where this Ordinance was discussed; and

WHEREAS, the City issued a Notice of Public Hearing for the proposed code amendment at least 15 days prior to the public hearing before the City’s Planning Commission which was published in the City’s official newspaper and provided to the public in accordance with Title 16 MMC; and

WHEREAS, following the public hearing, the Planning Commission voted to recommend approval of this Ordinance to the City Council; and

WHEREAS, the City Council reviewed this Ordinance along with the recommendation from the Planning Commission during its regularly meeting on April 28, 2025; and

WHEREAS, the City Council held a public hearing on this Ordinance on May 12, 2025 to take additional comment; 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; **NOW, THEREFORE**,

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

Section 1. The above recitals are hereby adopted as findings in support of this Ordinance.

Section 2. Section 16.00.020 of the Medina Municipal Code is hereby amended to read as follows:

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.

Section 3. Section 16.12.020 of the Medina Municipal Code is hereby amended to read as follows:

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 (often referred to as an attached accessory dwelling unit or AADU); or
2. Located within an accessory building on the lot with a principal single-family dwelling (often referred to as an detached accessory dwelling unit or DADU).

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 director or the 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.

Section 4. Section 16.12.040 of the Medina Municipal Code is hereby amended to read as follows:

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. Cottages are limited in size to no more than 1,500 square feet of gross floor area with up to 250 square feet for an attached garage. If there are two or more cottages on a lot prior to subdivision or lot split, then the average gross floor area size across the multiple cottages shall be no more than 1,500 square feet, with up to 250 square feet of attached garage for each cottage.

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.

Section 5. Section 16.12.050 of the Medina Municipal Code is hereby amended to read as follows:

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.

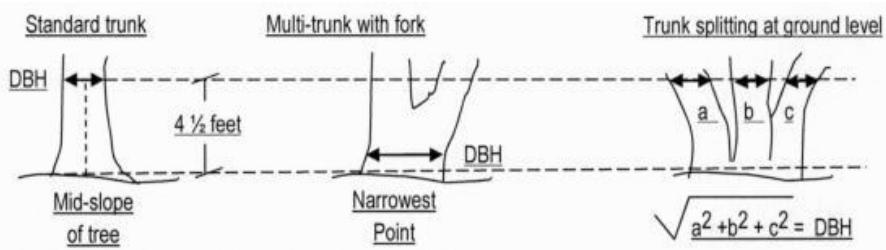
Development means a change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.

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.

Section 6. Section 16.12.140 of the Medina Municipal Code is hereby amended to read as follows:

16.12.140. "M" definitions.

Major transit stop means:

1. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
2. Commuter rail stops;
3. Stops on rail or fixed guideway systems;
4. 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;
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. Medina will implement the housing requirements applicable to Tier 3 cities.

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.

Section 7. Section 16.12.210 of the Medina Municipal Code is hereby amended to read as follows:

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.

Section 8. Section 16.12.220 of the Medina Municipal Code is hereby amended to read as follows:

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.

Section 9. Section 16.20.010 of the Medina Municipal Code is hereby amended to read as follows:

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
<u>Single-family residential</u>	<u>Single-family residence Residential</u> —R16
<u>including single-family,</u>	<u>Single-family residence Residential</u> —R20

<u>duplexes, stacked flats, courtyard apartments, and cottage housing.</u>	<u>Single-family residence Residential</u> —R30
	Suburban gardening residential—SR30
Local business	<u>Single-family residence Residential</u> —R16
	Suburban gardening residential—SR30
	Neighborhood auto servicing
Public facility	<u>Single-family residence Residential</u> —R16
	Parks and public places
School/institution	Parks and public places
Utility	All
Park	All
Open space	All

Section 10. Section 16.20.020 of the Medina Municipal Code is hereby amended to read as follows:

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).

Section 11. Section 16.21.030 of the Medina Municipal Code is hereby amended to read as follows:

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
Residential Uses						
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>	P	P	P	P	P	P
<u>Stacked flats</u>	P	P	P	P	P	P
<u>Cottage housing</u>	P	P	P	P	P	P
<u>Courtyard apartments</u>	P	P	P	P	P	P
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>	:-	:-	:-	:-	:-	:-
Nonresidential Uses						
Automobile service station					L	
Automobile mechanical repair					L	
Commercial horticulture/truck gardening/agriculture, excluding the raising of animals				L		
Clubhouse—Public/private		SU				SU
Golf course		SU				SU
Historical use	H				H	
Home business	L	L	L	L	P	P
<u>Hotel/Motel/Transient Lodging</u>	--	--	--	--	--	--
Public and Institutional Uses						

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
Shoreline Uses						
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>						

Section 12. Section 16.21.060 of the Medina Municipal Code is hereby amended to read as follows:

16.21.060. Maximum dwelling units on a lot.

A. Where Table 16.21.030 authorizes dwelling uses, ~~only one dwelling unit per lot is allowed~~ the maximum unit density per lot is limited to two units, except if one unit is a single-family dwelling unit, then up to two accessory dwelling units meeting the requirements set forth in MMC 16.34.020 may be allowed on the same lot. If the lot is developed with two units of middle housing, then no accessory dwelling units are permitted. ~~for the following:~~

~~A. Accessory dwelling units meeting the requirements set forth in MMC 16.34.020; 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 or subdividing of a single residential lot after June 30, 2025.

B. Detached single-family dwellings provided:

1. 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

2. 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.

C. The standards of 16.21.060(A) do not apply to lots after subdivision below 1,000 square feet. These lots shall only be permitted to have one dwelling unit per lot.

D. The standard in 16.21.060(A) may be modified for lots meeting the standards set forth in MMC 16.30.090 with the use of a development agreement.

E. The creation or sale of condominiums consistent with State law is allowed provided that the maximum condominium units created or sold on a lot (or on a parent lot in the case of a lot split or unit lot subdivision) is limited to the maximum dwelling units as set forth in this section.

Section 13. Section 16.30.010 of the Medina Municipal Code is hereby amended to read as follows:

16.30.010. Fences, walls and gates.

A. *General provisions.*

1. "Walls," as referred to in this section, means freestanding walls meeting the definition in MMC 16.12.070, and retaining walls and rockeries meeting the definitions in MMC 16.12.190.
2. Fences, walls and gates may be located within a setback area provided the fence, wall or gate does not exceed the maximum height requirements set forth in subsection (B) of this section.
3. Fences, walls and gates shall be located entirely inside the property lines of a lot, unless both property owners agree the wall or fence may be placed on a common property line.
4. The property owner is responsible for confirming all fences, walls and/or gates are placed inside the property lines on their property.
5. Gates located near an opened street right-of-way shall be set back from the edge of the pavement pursuant to MMC 16.40.120.
6. All lighting devices shall be subject to the height limitations prescribed by this section.
7. Where a permit is required pursuant to subsection (G) of this section, the director may require the property owner to have a land survey performed to identify the property boundaries if:
 - a. The fence, wall or gate is adjacent to a street right-of-way; or
 - b. In the opinion of the director, it is not clear the proposed fence or wall is located entirely within the property lines on the owner's property.

B. *Height.* (See Figures 16.30.010(B)(1), (B)(2) and (D)).

1. The maximum height of a fence, wall, combination of fence and wall, or gate shall not exceed four feet if the structure is located:
 - a. Within a horizontal distance of five feet from a front property line that adjoins a public street not designated as a collector or minor arterial street pursuant to Chapter 10.08 MMC; and
 - b. Within a horizontal distance of five feet from any property line that intersects a front property line that adjoins a public street as described in subsection (B)(1)(a) of this section and extending 30 feet from the front property line.
2. Except as provided in subsection (B)(1) of this section, the maximum height of a fence, wall, combination of fence and wall, or gate shall not exceed six feet in all other ~~setback~~-areas.
3. ~~Fences, walls and gates not located within setback areas may be constructed to the height limitations of other buildings and structures in the zoning district in which the fence, wall or gate is located.~~

For purposes of the height maximums set forth in this section, height shall be measured at the exterior side of the fence or wall facing outward from the property, from the lower of the existing or finished grade to the highest point of the fence or wall (including any light fixtures, caps, or other objects mounted on the top of the fence or wall).

54. Fences and walls shall be considered combined for the purpose of measuring height where the horizontal separation is five feet or less between the closest points of the fence and wall; except, if a property line is located between the fence and wall, the fence and wall shall not be considered combined. These requirements shall also apply to gates and walls.

Figure 16.30.010(B)(1): Height Limits for Fences and Walls

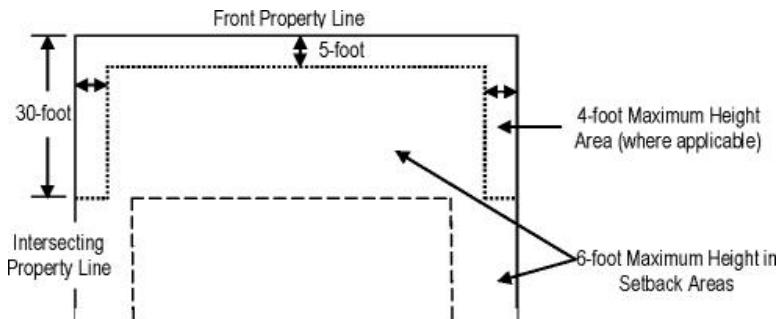
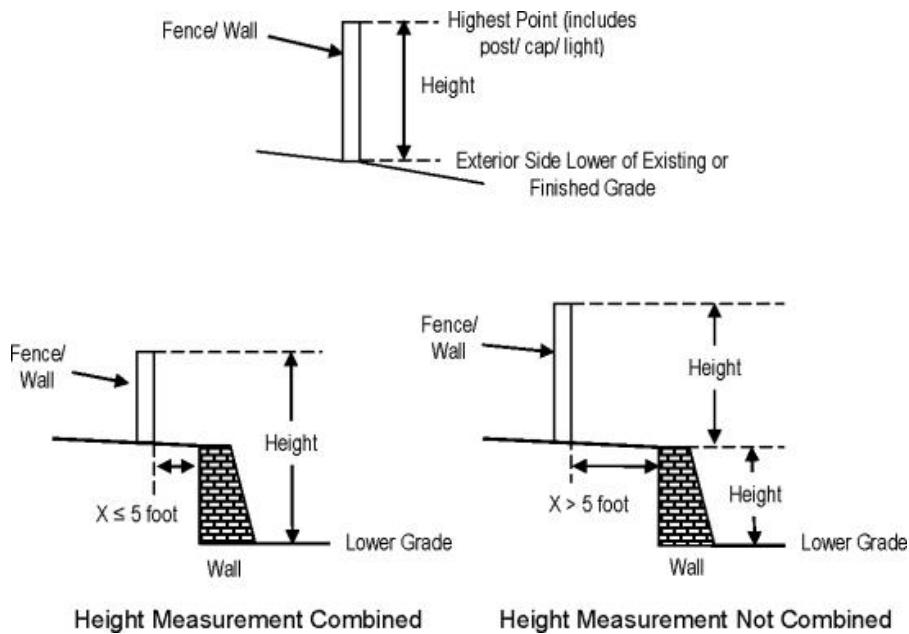


Figure 16.30.010(B)(2): Measuring Fence/Wall Height



C. *Fence and wall height exception.* The placement of a guard rail on top of a retaining wall may exceed the maximum height for fences and walls by up to four feet provided:

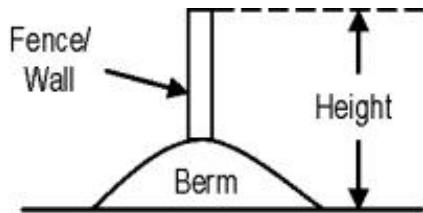
1. The building official determines a guard rail is required pursuant to the building codes set forth in Chapter 16.40 MMC; and

2. The solid component parts of the guard rail are evenly distributed and cover no more than 50 percent of the total surface area of the side elevation of the guard rail.

D. *Limitations.*

1. The following are prohibited:
 - a. The use of barbed wire with a fence or wall;
 - b. Electric fences; and
 - c. Chain-link fences located within five feet of a property line that adjoins a public street designated as a collector or minor arterial street pursuant to Chapter 10.08 MMC.
2. No person may construct a berm upon which to build a fence, wall or combination of a fence and wall, unless the total height of the berm plus the fence or wall does not exceed the maximum height allowable for the fence or wall if the berm was not present. (See Figure 16.30.010(D).)
3. No gate or portion thereof shall be located within any public right-of-way or any easement for a private lane or private lane turnaround.

Figure 16.30.010(D): Fence/Wall with Berm



Height Measurement Combined

- E. *Appearance.* The more completely detailed or finished side of a fence or wall shall face outward from the property on which the fence or wall is located, except joint projects may have the more finished side oriented as agreed to between the two property owners.
- F. *Bulkheads.* The design and construction of a bulkhead shall be in compliance with the requirements of the building code and the Medina shoreline master program.
- G. *Permits.* A building permit is required to be obtained from the city prior to construction or repair of a fence, wall or gate, unless exempt pursuant to MMC 16.40.050.
- H. *Requirement for gates.*
 1. Every gate blocking vehicular access to a residence must have a "KNOX Box" or similar device approved by the fire marshal and chief of police allowing access to emergency vehicles and personnel. In addition, each gate which relies on electricity to open the locking mechanism or the gate itself must have a manual release mechanism which is activated by a power

failure, or another method of assuring entry in event of a power failure, which is approved by the fire marshal and the chief of police.

2. Gates and barriers associated with fire apparatus access roads shall meet the requirements in MMC 16.40.120.

Section 14. Section 16.30.060 of the Medina Municipal Code is hereby amended to read as follows:

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 each middle-housing dwelling unit 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. Two off-street parking spaces per unit are required for lots greater than 6,000 square feet.
- C. A maximum of one off-street parking space per unit shall be required on lots no 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 subject to the following additional requirements:

- A. 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
- B. Parking areas shall not be located within setback areas, except as allowed otherwise by law.

Section 15. A new Section 16.30.090 of the Medina Municipal Code is hereby amended to read as follows:

16.30.090 Increased Density for Housing.

The City Council may approve a development agreement to alter the maximum density requirements set forth in MMC 16.21.060(A) and other standards as set forth in Chapter 16.76 MMC. Any such development agreement shall be consistent with the MMC and state law. The Council may prioritize providing greater flexibility of development standards and greater density based on the requirement that the housing be affordable to low-income or very low-income households.

Section 16. Section 16.34.020 of the Medina Municipal Code is hereby amended to read as follows:

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.
- 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. A maximum of 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, including, but not limited to, minimum lot coverage, setbacks, etc.
2. Accessory dwelling units shall only be allowed on lots that meet the minimum lot sizes for the principal single-family unit under the code. In addition, for any lot which is the result of a subdivision or a lot split and which is below the minimum lot size for the zone, no additional dwelling units, including accessory dwelling units, shall be allowed.
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.
2. 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.
5. 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.
 - 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.
 - 6. 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.
10. Detached ADUs may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snow plows.

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 unless such development would result in the

property exceeding the unit density requirements set forth in MMC 16.21.060. However, if the converted accessory building contained parking, the minimum parking standards for both the principle single-family 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.

Section 17. 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 18. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 19. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance,

including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 20. Effective Date. This ordinance shall take effect at 12:01 AM on July 1, 2025, which is at least five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE XX DAY OF XX 2024 BY A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE XX DAY OF XX 2024.

Jessica Rossman, Mayor

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

Attest:

Jennifer R. Robertson, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB