



CITY OF MEDINA

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MEMORANDUM

DATE: November 14, 2022
TO: Medina City Council
FROM: Stephanie Keyser, Planning Manager
RE: Annual Code Clean-Up (2022)

The following outlines the proposed annual code clean-up for 2022. When reading the draft, especially in the sign code section, the **red** is existing code language that has been moved while **red and underlined** is brand new text.

Section	Title	Proposed Amendment
MMC 10.08.010	Streets and Roads	Remove house address
MMC 12.44	Street Vacations	Clarifies that costs will be recovered for city staff time even if a petitioner withdraws their street vacation petition (<i>City Attorney</i> drafted amendment)
MMC 16.12.090	“H” Definitions	Remove housekeeping unit from H definitions
MMC 16.12.200	“S” Definitions	Housekeeping amendments to the S definitions
MMC 16.22.040	Protrusions Into Setback Areas	Cleans up the section and clarifies existing mechanical equipment location and units for nonconforming houses
MMC 16.30.020	Signs	Remove language in the code that regulates the content of signs (Reed V. Gilbert)
MMC 16.34.020	Accessory Dwelling Units	Amend ADU section to remove burdensome language
MMC 16.34.040	Accessory Recreational Facilities	Correct a scrivener’s error
MMC 16.52.190	Tree Protection Measures during Development	Clarifies tree protection during development
MMC 16.70.030	Construction Code of Conduct	Repeal Construction Code of Conduct (Clean Up)
MMC 16.71.010	Minor Deviation	Clarify that a structure using a minor deviation application cannot experience substantial destruction
MMC 16.71.040	Level 1 Tailored Construction Mitigation Plan	Repeal Level 1 Tailored Construction Mitigation Plan (Clean Up)
MMC 16.71.050	Administrative Right-of-Way Tree Activity Permit	Clarify permit covers tree and vegetation in the right-of-way

MMC 16.72.080	Level 2 Tailored Construction Mitigation Plan	Repeal Level 2 Tailored Construction Mitigation Plan (Clean Up)
MMC 16.72.090	Nonadministrative Right-of-Way Tree Activity Permit	Clarify permit covers tree and vegetation in the right-of-way
MMC 16.72.100	Nonadministrative Tree Activity Permit	Clarify this permit is for Landmark trees with a DBH of 50 inches or greater, as required in MMC 16.52.160(E)

Summary of Proposed Amendments

1. MMC 10.08.010 – Streets and Roads. The purpose of this amendment is to remove the referenced street address that identifies the end of the Medina city limits on Lake Washington Blvd. It's not appropriate to have a person's home address as a landmark or identifier in code. Residential addresses do not exist in perpetuity and often change as a result of construction, lot consolidation, or lot separation. This amendment will remove the home address number.
2. MMC 12.44 – Street Vacations. The amendments in this chapter were written by the City Attorney to clarify that if a petitioner withdraws their street vacation petition, or if it is denied, they (the petitioner) are still responsible to reimburse the city for full expenses and costs incurred processing the petition.
3. MMC 16.12.090 – "H" Definitions. The purpose of this amendment is to remove housekeeping unit from the "H" definitions because it is referred in the code as *single* housekeeping unit.
4. MMC 16.12.200 – "S" Definitions. The purpose of these amendments are to clarify "S" definitions.
5. MMC 16.22.040 – Protrusions Into Setback Areas. The purpose of these amendments is to clean up and clarify the section. For mechanical units, the proposal includes an exception where *existing* mechanical units may be replaced by installing a new unit in the same location, regardless of setbacks. This amendment also provides relief for residents of *existing* legally nonconforming houses so that they may place new units in the side setbacks, provided they are 5-feet away from the property line. In both of these circumstances, the units still must pass the required sound test and screening required by code. There would be no new impact to neighbors.
6. MMC 16.30.020 – Signs. The purpose of these amendments is to conform to Reed v. Gilbert (2015). Although there was a sign code update in 2017, Medina's code still has language where *content* is regulated. The legal opinion that has formed in the past few years is that jurisdictions should remove the classification of realtor signs, which is a content driven regulation, and instead focus on the type of sign (temporary) and actual structure dimensions. While reviewing this code, staff was of the opinion that this section is not an intuitive read and that perhaps it could be simplified by creating a sign matrix. **The dimensions, locations, and types of permitted and prohibited signs has not changed.** What has changed is the organization to the section and the addition of illustrations. The City Attorney has also reviewed the section and has suggested minor edits.
7. MMC 16.34.020 – Accessory Dwelling Units. The purpose of these amendments is to remove the requirement for an accessory dwelling unit (ADU) to have an additional use.

An example of an additional use is to have a garage with an ADU on top or to have an ADU with a separated room and access that could just be used as a studio. Staff has found that this additional use requirement creates an unnecessary burden on existing homeowners and is an example where theory (code) and practice (building plans) just don't mesh. It should be stressed that this additional use requirement is **not** a problem with new construction. With new construction, the owners already want to build a detached garage with a mother-in-law suite on top, or build a pool house with an apartment. The problem comes with residents who either have an existing structure that they want to convert to an ADU (like an existing detached garage) or they have an existing ADU that they want to expand or remodel and start using again. To meet the intent of the code residents are having to either get creative and reduce the functionality of the space or tack on storage closet appendages that are wasteful of resources.

8. MMC 16.34.040 – Accessory Recreational Facilities. The purpose of this amendment is to correct a scrivener's error.
9. MMC 16.52.190 - Tree Protection Measures during Development. The purpose of this amendment is to clarify tree protection during site development.
10. MMC 16.70.030 – Construction Code of Conduct. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
11. MMC 16.71.010 – Minor Deviation. The purpose of this amendment is to clarify that a structure cannot experience either substantial destruction or reconstruction during to qualify for a minor deviation. This ties a monetary limit to the minor deviation process and aligns it closer to its intent which is for a remodel and not for a completely new house. If a homeowner wanted to go exceed the substantial destruction or reconstruction threshold, they could request that through a nonadministrative variance.
12. MMC 16.71.040 – Level 1 Tailored Construction Mitigation Plan. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
13. MMC 16.71.050 – Administrative Right-of-Way Tree Activity Permit. The purpose of this amendment is to clarify permit covers tree and vegetation in the right-of-way.
14. MMC 16.72.080 – Level 2 Tailored Construction Mitigation Plan. The purpose of this amendment is a clean-up to repeal an old code section that was missed with previous amendments.
15. MMC 16.72.090 – Nonadministrative Right-of-Way Tree Activity Permit. Clarify permit covers tree and vegetation in the right-of-way.
16. MMC 16.72.100 – Nonadministrative Tree Activity Permit. Clarify this permit is for Landmark trees with a DBH of 50 inches or greater, as required in MMC 16.52.160(E).