City of Medina, Washington
Ordinance No. 886

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON IN REGARD TO THE MEDINA SHORELINE MASTER PROGRAM:
(a) REPEALING THE EXISTING SHORELINE MASTER PROGRAM;
(b) ADOPTING A REVISED SHORELINE MASTER PROGRAM IN ACCORDANCE WITH RCW 90.58 AND WAC 173-26;
(c) ADOPTING CHAPTERS 20.60, 20.61, 20.62, 20.63, 20.64, 20.65, 20.66, 20.67 OF THE MEDINA MUNICIPAL CODE TO IMPLEMENT AND CODIFY THE REVISIONS TO THE SHORELINE MASTER PROGRAM; AND
(d) AMENDING THE MEDINA COMPREHENSIVE PLAN TO IMPLEMENT REVISIONS TO THE SHORELINE MASTER PROGRAM

WHEREAS, pursuant to the Growth Management Act (GMA), chapter 36.70A RCW, the City Council has adopted the City of Medina Comprehensive Plan, as amended by Ordinance No. 783, passed March 14, 2005; and

WHEREAS, the City Council has adopted zoning regulations by Ordinance No. 16, passed December 5, 1955, and last amended by Ordinance No. 873, passed June 13, 2011; and

WHEREAS, the City’s Shoreline Master Program was last adopted by Ordinance No. 304, passed January 13, 1975, and last amended by Ordinance No. 514, passed July 9, 1990; and

WHEREAS, the State of Washington passed the Shoreline Management Act of 1971 governing the adoption of shoreline master programs, as currently set forth in Chapter 90.58 Revised Code of Washington (RCW), and subject to the Washington State Department of Ecology’s administrative rules contained within Chapter 173-26 of the Washington Administrative Code (WAC); and

WHEREAS, in 2003, the Washington State Department of Ecology adopted new rules, pursuant to RCW 90.58.200, to carry out the provisions of the Shoreline Management Act; and

WHEREAS, RCW 90.58.080 directs local governments to develop or amend their shoreline master programs to be consistent with the required elements of the new rules (Shoreline Master Program Guidelines) adopted by the Washington State Department of Ecology; and

WHEREAS, the City applied for, and obtained an SMA grant (No. G1000031) from the Washington State Department of Ecology in July 2009 to assist in the preparation and adoption of a shoreline master program consistent with the new guidelines; and

WHEREAS, the City has provided extensive public participation opportunities as follows:

- Provided a postcard notice sent to all resident addresses within the City limits notifying residents of a shoreline master program open house that was held April
7, 2010, to kick-off the public involvement in updating the shoreline master program; and

• After advertising to the public to seek participants, created a citizen advisory committee to provide informal policy and regulatory recommendations in formulating draft goals, policies and regulations pertaining to the updating of the shoreline master program; and

• The citizen advisory committee held meetings that were advertised and open to the public on January 12, February 9, March 9 and 16, April 13 and 20, and August 17, 2011, and during these meetings considered written comments received from the public in developing an updated shoreline master program; and

• The Planning Commission received and considered the recommendations of the citizen advisory committee and also received and considered public comments received during their February 16, March 22, April 26, May 24, June 28, July 26, August 30, September 28, October 26, November 28, December 28, 2011, meetings and their January 24 and February 28, 2012 meetings; and

• Notice for the citizen advisory committee meetings and the Planning Commission meetings were posted on the City’s website, posted on the City’s notice boards located at City Hall, Medina Post Office, and Medina Park, and was sent electronically by the City’s e-gov delivery system to individuals who subscribed to receive such notices; and

• Provided a postcard notice sent to all resident addresses within the City limits notifying residents of an opportunity to comment on the draft goals and policies used to update the shoreline master program regulations; and

• Provided a postcard notice sent to all addresses within the City limits notifying residents of an open house and public hearing before the Planning Commission with the notice; notice was also posted on the City’s website and notice boards, and sent electronically by the City’s e-gov delivery system to individuals who subscribed to receive such notices;

• The City held a Shoreline Master Program open house on March 14, 2012, to provide an opportunity to answer questions from the public about the draft shoreline master program; and

WHEREAS, in accordance with WAC 173-26-100 and RCW 36.70A.106, a notice of intent was transmitted to the Washington State Department of Commerce and the Washington State Department of Ecology on March 5, 2012; and

WHEREAS, a State Environmental Policy Act (SEPA) threshold Determination of Nonsignificance (DNS) for the proposal was issued on March 9, 2012, pursuant to WAC 197-11-340(2); and

WHEREAS, the Planning Commission, after providing proper legal notice, held a public hearing on March 27, 2012, and forwarded a recommended Shoreline Master Program to the City Council on April 9, 2012; and
WHEREAS, legal notice of the City Council’s public hearing was published in *The Seattle Times* on April 30, 2012; and

WHEREAS, the City Council held a public hearing on May 14, and June 12, 2012, to consider the Planning Commission’s recommended Shoreline Master Program; and

WHEREAS, the City Council considered the Planning Commission’s recommendation, public comments, and other available information; and

WHEREAS, the City Council makes the following findings in support of its decision:

A. A SEPA threshold determination of Nonsignificance was issued on March 9, 2012.

B. The City provided extensive opportunity for the public to participate in the planning process. Throughout the shoreline master program process, the City made a concerted effort to generate public involvement including two public open houses and the formation of a citizen advisory committee. Extensive public noticing was made to notify and solicit input from the public sending notices to the entire community three different times. The citizen advisory committee and the Planning Commission held 20 public meetings, plus a public hearing in developing an updated Shoreline Master Program. In addition, the City Council held a public hearing and provided opportunity for the public to provide additional input.

C. The state shoreline guidelines pursuant to WAC 173-26-171(3) “allow local governments substantial discretion to adopt master program reflecting local circumstances and other local regulatory and non-regulatory program related to the policy goals of Shoreline Management…” Public comments exhibiting a desire to protect property rights while meeting the requirements of the Department of Ecology Shoreline Master Program Guidelines were received throughout the planning process. This reflected a desire for planning efforts to reflect local circumstances in the updated Shoreline Master Program.

D. The City used the most current, accurate, and complete scientific and technical information available, which was incorporated into the Shoreline Analysis Report, and gathered subsequent to the Shoreline Analysis Report, to develop the proposed updated Shoreline Master Program.

E. One standard mandated by the state shoreline guidelines is to find that the program, in total, will result in no net loss of shoreline ecological functions necessary to sustain shoreline resources. A Cumulative Impact Analysis has been prepared and concluded that the updated shoreline program should protect and improve shoreline jurisdiction within the City of Medina, while accommodating reasonably foreseeable future shoreline development, resulting in no net loss of shoreline ecological function, and should improve ecological functions over time.
F. The City reviewed the proposed updated Shoreline Master Program for consistency with the Medina Comprehensive Plan. The goals and polices set forth in the comprehensive plan reflect a community that is built-out with very limited opportunities for growth and a character that is predominately low-density single-family residential development. The updated Shoreline Master Program is consistent with the goals and policies of the Medina Comprehensive Plan that preserve this character.

G. The proposal serves the public interest by balancing the protection of the shoreline environment with the protection of private property rights.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption and Codification of the Shoreline Master Program. A new Shoreline Master Program is adopted and codified in Chapters 20.60 through 20.67 of the Medina Municipal Code as set forth in Attachment “A”.

Section 2. Repeal of current Shoreline Master Program. Ordinance No. 304, passed January 13, 1975, Ordinance No. 514, passed July 9, 1990, and Ordinance No. 662, passed July 12, 1999 are repealed in their entirety.

Section 3. Amendment of the Comprehensive Plan. Shoreline Management Sub-Element 2.1 of the Medina Comprehensive Plan is amended to read as set forth in Attachment “B”.

Section 4. Amend MMC 1.15.030. Section 1.15.030 of the Medina Municipal Code is amended to read:

This chapter applies to any violations of:
A. Title 17 MMC, Zoning;
B. Chapter 8.04 MMC, Nuisances;
C. Chapter 8.06 MMC, Noise;
D. Chapter 12.08 MMC, Construction in Streets;
E. Chapter 12.28 MMC, Tree Code;
F. Chapter 12.32 MMC, Structures in Unimproved Portions of Public Rights-of-Way;
G. Chapter 14.12 MMC, Site Plan Review;
H. Chapter 15.20 MMC, Mitigation Plans for Major Construction Activities;
I. ((Chapter 18.08 MMC, Shoreline Management Master Program;)
J.)) Chapter 18.12 MMC, Critical Areas;
J. Chapter 20.40 MMC, Building Codes;
J. Chapter 20.44 MMC, Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites; and
L. Chapters 20.60 through 20.67 MMC, Shoreline Master Program
M. Other Medina Municipal Code sections that make reference to this chapter.

Section 5. Amend MMC 12.28.090. Section 12.28.090 of the Medina Municipal Code is amended to read:

Tree removal and land surface modifications within the shoreline jurisdiction shall be consistent with the requirements of this chapter and pursuant to the City’s shoreline
master program set forth in Chapters 20.60 through 20.67 MMC. ((for property within 50 feet from the ordinary high water mark of the Lake Washington shoreline shall include a shoreline restoration plan for review and approval by the city landscape consultant and city engineer. The restoration plan shall be designed to stabilize soil surfaces, filter run-off (especially lawns), and provide shade to the near shore within two years of planting. (Refer also to the Washington State Shoreline Management Act and the city of Medina shoreline master program. Tree removal, pruning and construction are also subject to the Bald Eagle Protection Act and the Federal Endangered Species Act, where applicable.))))

Section 6. Amend MMC 17.12.010. Section 17.12.010 of the Medina Municipal Code is amended to read:

A. Generally. For the purpose of this title, the following terms shall have the meanings indicated in this chapter unless the context clearly indicates a different meaning.

B. Other Definitions. When any word used in this chapter is not specifically defined herein, its definition shall be that in Webster's New Collegiate Dictionary of the English Language and where more than one definition is given, the most common or appropriate nonprofessional usage shall govern.

“Accessory dwelling unit” means a dwelling unit subordinate to a single-family dwelling unit which:
1. Is located within the single-family dwelling unit; or
2. Is located within an accessory building as defined by MMC 17.48.010.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting the standards provided for by law (RCW 70.128.010).

“Alter” or “alteration” means any change, addition or modification in construction or occupancy.

“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 building site.

“Berm” means a manmade earthen or other type of mound erected to provide a visual interest, visual screening and/or decrease noise.

“Boathouse” means any structure having a roof and walls erected over moorage, docks or storage facilities for the weather protection of boats.

“Buildable area” means the area of the building site contained within the setback limits where buildings or structures may be placed.

“Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property.

“Building, Accessory. “Accessory building” means any building, other than primary, in which an accessory use is located.

“Building envelope” means the space defined by the vertical, horizontal and mixed planes of an existing structure, including that portion of the structure which is at or under the ground.

“Building official” means the officer charged with the administration of matters regulated by the building related codes of the jurisdiction.
Building, Primary. “Primary building” means any building occupied by the primary permitted use of the zone in which the building is located.

“Building site centerline” means a line midway between the side lot lines of a building site.

“Building site front line” means, unless otherwise set forth in this title, the property line contiguous with the street right-of-way.

Building Site, Legal. “Legal building site” means a single parcel of land under single ownership and control and otherwise qualified as a building site under regulations of the city which, at the time of filing for a building permit is designated by its owners or developers as the site to be used, developed or built upon as a unit.

“Building site of record” means a parcel of land qualified as a legal building site by virtue of plats, short plats, lot line adjustments, lot size and frontage exceptions of this title or variance granted by the board of adjustment of the city.

“Building site rear line” means, unless otherwise set forth in this title, any lot line other than a street line which is parallel to the front site line, or within 45 degrees of being parallel to the front site line.

“Building site side line” means any lot line which is not a front or rear site line.

“Bulk regulations” means regulations relating to the minimum area of the building site, front and rear yards, height of buildings and site coverage.

“Centerline of a building site” means a line midpoint between the side property lines. Where the side property lines diverge or converge, the centerline shall be the line bisecting the angle formed by extending the side property lines to the point of intersection. (See Exhibit at the end of this section.)

“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.

“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.

“Dolphin” means a spar, buoy or piling used for mooring watercraft.

“Family” means the immediate kindred made up of a person and spouse, their parents, grandparents, children and the spouses thereof, and grandchildren and the spouses and children thereof.

“Family day care home” means the regular family abode of a person or persons who are providing child care services of less than 24 hours to no more than 10 children at any one time, including those of the provider(s).

“Gazebo” or “pavilion” means a fully or partly roofed or covered freestanding structure fully or partly open at the sides designed, established and installed to provide outdoor living, cooking and/or recreation.
Grade, Existing. “Existing grade” means the ground elevation existing on the building site at the time an application for a building or other development permit is filed at the city.

Grade, Finished. “Finished grade” means the ground elevation after any site development is completed.

Grade, Original. “Original grade” means the natural ground elevation that existed prior to any site development or manmade modifications in the first instance.

“Gross lot area,” for the purpose of this title, means dry land area which is further defined as land area exclusive of shorelands, except those which by recession of water or bulkheading have become dry land above high water level.

“Guests” means those who occupy upon invitation of the owner or lessee without charge or other consideration for such occupancy.

“Household staff” means individuals who spend more than 50 percent of their working time employed at the residence site and in no event work less than 20 hours per week, including caregivers. For the purpose of this chapter, “household staff” includes the spouse and children of such an employee.

“Impervious surface” means a surface for which the rate of percolation is less than the ground upon which it is situated.

“Impervious surface area” means the total square feet of impervious surfaces on a single building site.

“Impervious surface, total allowable coverage” means the maximum area of a single building site that impervious surfaces may occupy.

“Maximum height” means the highest point of the roof, skylight, parapet or other significant element of a building or structure; provided, that if the individual element does not exceed five feet in the horizontal dimension, a chimney, chase, mechanical equipment, vent or other essential building element may project above the maximum height no more than three feet.

“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.

“Minor deviation” means a discretionary land use permit to allow building remodeling projects to depart from numeric development standards and to preserve nonconforming conditions with respect to setback requirements and maximum building heights. Requests for minor deviations are reviewed by the city manager or designee and involve public notice as specified in Chapter 14.08 MMC.

(“Moorage” means a place, slip or dock where a boat or vessel may be secured.

“Moorage structure” means those installations or facilities including piers, wharves, platforms, ramps, dolphins, buoys, quays, or bulkheads, or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or waterborne craft.)

“Net lot area” means gross lot area exclusive of the area of any vehicular private lane, vehicular right-of-way, or vehicular access easement.

“Numeric development standard” means a numeric requirement for minimum setbacks, maximum heights, maximum lot coverage or maximum impervious surface coverage.

“Occupancy” means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

“Patio” means a hard surfaced area of the ground beyond a building designed, established and/or installed to provide for outdoor living, cooking and recreation,
some sides of which are open and which may or may not have a permanent overhead covering.

("Pier" or "deck" means a structure extending from the solid land into the water, whether floating or upon piles or other supports.)

“Primary residential building” means the building in which the primary dwelling unit of the building site is located.

“Repair” means the replacement or renewal of any part of an existing structure for the purpose of its maintenance.

“Rockery” means a soil retaining or stabilizing structure composed of stacked rock that is not attached together by any bonding agent, such as mortar.

“Setback area” means the area of building site between the property line and the limits set by city regulations within which no permanent structure may intrude.

("Shoreline" means the line defined by elevation contour 22.0, which elevation is 22 feet above mean lower low water of Puget Sound as established by the U.S. Army Corps of Engineers, which corresponds to elevation of 28.93 feet as determined by the Sea Level Datum of 1929.)

“Single-family dwelling” means a detached dwelling house that is limited in design to the accommodation of one family, its household staff and guests. A single-family dwelling may have accessory recreational buildings in addition to a detached garage which may include a beach and/or playhouse and having no more than one room plus a bathroom and otherwise not designed for habitation. A single-family dwelling may be occupied by the members of one family alone, its guests and household staff; provided, however, that it is not a violation of this title for the renter or owner of any dwelling to provide lodging for persons not attached to the renter’s or owner’s family so long as such use is incidental to the use of the dwelling for residence purposes.

“Site area,” for the purpose of this title, means dry land area which is further defined as land area exclusive of shorelands, except those which by recession of water have become dry land. Dry land created by bulkheading shall not be counted as site area except as specifically permitted by this code.

Site Area, Gross. “Gross site area” means the total area of a building site falling within the metes and bounds of the building site.

Site Area, Net. “Net site area” means the area of a building site after all of the area of vehicular private lanes, vehicular rights-of-way, vehicular private lane turnarounds or any other vehicular easement for public or private use has been deducted from the gross site area.

“Site width” means the dimension between side property lines measured at a right angle to the centerline of the building site. (See Exhibit at the end of this section).

“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.

“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.

“Structural coverage,” “site coverage” and “lot coverage” all mean the total surface area of a site covered by buildings, structures, patios and sports courts, to include surface areas directly beneath roof eaves. The following items are not included in calculating structural coverage, site coverage or lot coverage:

1. Area of pervious site area or decorative plantings or water features under roof eaves;
2. Driveways;
3. Uncovered decks, patios, sports courts, pools and spas that do not exceed 30 inches above original or finished grade, whichever is lower. The height of decks, patios, and sports courts is measured to the highest point on the walking surface. The height of pools and spas is measured to the highest point of the structural rim;
4. All structures and buildings that are waterward of the shoreline of the building site;
5. Fences, walls and retaining walls, the greatest width dimension of which is one foot or less. When the greatest width dimension exceeds one foot, then the horizontal exposed area of the entire structure shall count toward site coverage;
6. Rockeries.

“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.

“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.

(“Waterfront structure” means any structure built at or along the shoreline or over the shorelands and including particularly bulkheads and moorage facilities.)

Section 7. Amend MMC 17.20.010. Section 17.20.010 of the Medina Municipal Code is amended to read:

A. The minimum lot area for each dwelling in the district shall be 16,000 square feet.
B. The minimum setback of any part of any building or structure shall be 30 feet from the front property line and 30 feet from the rear property line, and shall be 10 feet from each side line. The minimum setback of an approved parking space (nondriveway) in the front yard shall be 15 feet. The minimum setback from the Lake Washington shoreline shall be as established in MMC 20.63.030 (Chapter 17.38 MMC). Setbacks shall be measured from the property line to the furthest horizontal projection of the structure, including gutters.
C. Structural Coverage and Impervious Surface Standards.
1. Total structural coverage shall be limited in accordance with the following table:

<table>
<thead>
<tr>
<th>When the square footage of the area of the lot is:</th>
<th>Total structural coverage allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 or less</td>
<td>30 percent</td>
</tr>
<tr>
<td>10,001 to 10,500</td>
<td>29.58 percent</td>
</tr>
<tr>
<td>10,501 to 11,000</td>
<td>29.17 percent</td>
</tr>
<tr>
<td>11,001 to 11,500</td>
<td>28.75 percent</td>
</tr>
<tr>
<td>11,501 to 12,000</td>
<td>28.33 percent</td>
</tr>
<tr>
<td>12,001 to 12,500</td>
<td>27.92 percent</td>
</tr>
<tr>
<td>Size Range</td>
<td>Percentage</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------</td>
</tr>
<tr>
<td>12,501 to 13,000</td>
<td>27.50%</td>
</tr>
<tr>
<td>13,001 to 13,500</td>
<td>27.08%</td>
</tr>
<tr>
<td>13,501 to 14,000</td>
<td>26.67%</td>
</tr>
<tr>
<td>14,001 to 14,500</td>
<td>26.25%</td>
</tr>
<tr>
<td>14,501 to 15,000</td>
<td>25.83%</td>
</tr>
<tr>
<td>15,001 to 15,500</td>
<td>25.42%</td>
</tr>
<tr>
<td>15,501 to 15,999</td>
<td>25.21%</td>
</tr>
<tr>
<td>16,000 or greater</td>
<td>25%</td>
</tr>
</tbody>
</table>

2. Garden-type structures such as, but not limited to, gazebos, gateways and trellises shall be excluded from the total structural coverage, provided the aggregate structural coverage of all such structures does not exceed one percent of the lot area.

3. Total impervious surface, including structures, shall not exceed 55 percent of the lot area.

D. The height of any building or structure shall meet all of the following:
   1. No part of the building or structure shall exceed the maximum height set forth in subsection (D)(2) of this section and shown in Diagram 17.20.010.D, except where otherwise allowed by this code; and
   2. The maximum height shall be prescribed as follows:
      a. Measured as a vertical distance of 25 feet above the original grade or 28 feet above the finished grade, whichever is lower;
      b. Measurement shall be taken at the exterior walls of the building or structure at the lowest and highest points of the designated grade to a plane essentially parallel to the lowest and highest points of the designated grade; and
   3. When a building or structure is located on a slope, there shall be an additional height limitation of 36 feet between the lowest point of original grade measured at the exterior walls of the building or structure and the highest point of the building or structure proper (see Diagram 17.20.010.D), except where otherwise allowed by this code; and
   4. The provisions of subsections (D)(1) through (3) of this section shall not apply to lots located in the Neighborhood Character Preservation District – Medina Heights as set forth in Chapter 17.21 MMC.

Diagram 17.20.010.D – Measurement of Maximum Height
Note: When a building is located on a steep enough slope, an additional height restriction would apply that limits the overall height of the structure to 36 feet from the lowest point of original grade to the highest point of the structure.

E. There shall be a minimum of 70 feet of frontage on a dedicated and improved street.
F. Two on-site parking spaces shall be provided for each lot accessing from a public street.
G. Use shall be limited to single-family dwellings and historical uses. Historical uses are limited to nonresidential uses which were in existence at the date of incorporation of the city. Historical uses shall not be allowed on any lot where the use was not operated at the date of incorporation of the city.

**Section 8. Amend MMC 17.24.010.** Section 17.24.010 of the Medina Municipal Code is amended to read:

A. The minimum lot area for each dwelling in this district shall be 20,000 square feet.
B. The minimum setback of any part of any building or structure shall be 30 feet from the front property line and 30 feet from the rear property line, and shall be 10 feet or 15 percent of the site width at any location of the structure on the building site, whichever is greater, but not more than 20 feet from each side line. The minimum setback from the Lake Washington shoreline shall be as established in MMC 20.63.030 ((Chapter 17.38 MMC)). The minimum setback of an improved parking space (nondriveway) in the front yard shall be 15 feet. Setbacks shall be measured from the property line to the furthest horizontal projection of the structure, including gutters.
C. Structural Coverage and Impervious Surface Standards.
   1. Total structural coverage shall be limited to 13 percent of the area of any lot, except where structural coverage may be increased pursuant to MMC 17.24.020.
   2. Garden-type structures such as, but not limited to, gazebos, gateways and trellises shall be excluded from the total structural coverage, provided the aggregate structural coverage of all such structures does not exceed one percent of the lot area.
   3. Total impervious surface, including structures, shall not exceed 52-1/2 percent of the lot area.
D. The height of any building or structure shall be limited to 30 feet measured from the highest point of original grade or the finished grade, whichever is lower, at the building’s wall to the highest point of the roof proper, but not more than 36 feet.
measured from the lowest point of original grade or finished grade, whichever is lower at the building’s wall to the highest point of the roof proper.

E. There shall be a minimum of 70 feet of frontage on a dedicated and improved street.

F. Two on-site parking spaces shall be provided for each lot accessing from a public street.

G. Uses shall be limited to single-family dwellings.

**Section 9. Amend MMC 17.28.010.** Section 17.28.010 of the Medina Municipal Code is amended to read:

A. The minimum lot area for each dwelling in this district shall be 30,000 square feet.

B. The minimum setback of any part of any building or structure shall be 30 feet from the front property line and 30 feet from the rear property line, and shall be 10 feet or 15 percent of the site width at any location of the structure on the building site, whichever is greater, but not more than 20 feet from each side line. The minimum setback from the Lake Washington shoreline shall be as established in MMC 20.63.030 (Chapter 17.38 MMC). The minimum setback of an improved parking space (nondriveway) in the front yard shall be 15 feet. Setbacks shall be measured from the property line to the furthest horizontal projection of the structure, including gutters.

C. Structural Coverage and Impervious Surface Standards.

1. Total structural coverage shall be limited to 13 percent of the area of any lot, except where structural coverage may be increased pursuant to MMC 17.24.020.

2. Garden-type structures such as, but not limited to, gazebos, gateways and trellises shall be excluded from the total structural coverage, provided the aggregate structural coverage of all such structures does not exceed one percent of the lot area.

3. Total impervious surface, including structures, shall not exceed 50 percent of the lot area.

D. The height of any building or structure shall be limited to 30 feet measured from the highest point of original grade or finished grade, whichever is lower, at the building’s wall to the highest point of the roof proper, but not more than 36 feet measured from the lowest point of original grade or finished grade, whichever is lower, at the building’s wall to the highest point of the roof proper.

E. There shall be a minimum of 90 feet of frontage on a dedicated and improved street.

F. Two on-site parking spaces shall be provided for each lot accessing from a public street.

G. Uses shall be limited to single-family dwellings.

H. An additional two percent of lot coverage shall be allowed for decks, porches or verandas, as defined in MMC 17.12.010, provided said structures do not have an overhead covering except eaves of 24 inches or less.

**Section 10. Repeal Chapter 17.38.** Chapter 17.38 of the Medina Municipal Code is repealed.

**Section 11. Repeal Chapter 17.88.** Chapter 17.88 of the Medina Municipal Code is repealed.

**Section 12. Repeal Chapter 18.08.** Chapter 18.08 of the Medina Municipal Code is repealed.
Section 13. Amend MMC 18.12.040. Section 18.12.040 of the Medina Municipal Code is amended to read:

A. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the city of Medina.
B. These critical areas regulations shall not apply within the shoreline jurisdiction set forth in Chapters 20.60 through 20.67 MMC. Where critical areas are located within the shoreline jurisdiction, the critical areas regulations set forth in Chapter 20.67 MMC shall apply.
C. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this title shall be included in the SEPA review and threshold determination.
D. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any provision of this chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this chapter, that which provides more protection to the critical areas shall apply.
E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter.

Section 14. Amend 18.12.400. Section 18.12.400 of the Medina Municipal Code is amended to read:

A. Fish and wildlife habitat conservation areas include:
1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.
   a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
   b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington, identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.
2. State Priority Habitats and Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status;
sensitivity to habitat alteration; and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife.

3. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city of Medina as approved by its council, including those that possess unusual or unique habitat warranting protection.

4. Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. In the city of Medina, waters of the state include lakes, ponds, streams, inland waters, underground waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031, not including Type S or Type 1 Waters.

6. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

7. Land found by the Medina City Council to be essential for preserving connections between habitat blocks and open spaces.

B. All areas within the city of Medina meeting one or more of these criteria are hereby designated critical areas and are subject to the provisions of this title.

Section 15. Amend 20.73.020. Section 20.73.020 of the Medina Municipal Code is amended to read:

A. This chapter shall apply to all divisions of land including short subdivisions, subdivisions and lot line adjustments hereafter established within the incorporated areas of the city of Medina.

B. This chapter is applied in conjunction with Chapter 2.78 MMC, Hearing Examiner; MMC Title 17, Zoning; Chapter 18.04 MMC, State Environmental Policy Act; ((the)) Chapters 20.60 through 20.67 MMC, Medina Shoreline ((m))Master ((p))Program; Chapter 18.12 MMC, Critical Areas; Chapter 20.80 MMC, Project Permit Review Procedures, and other applicable codes referencing this chapter.

Section 16. Adoption of Restoration Plan. The Shoreline Restoration Plan is adopted as set forth in Attachment “C”.

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. Submission to Ecology. The City Manager or designee is hereby authorized to submit this ordinance, including all other required submittal documents, to the Washington State Department of Ecology.

Section 19. Effective Date. This ordinance shall not go into effect until approved by the Washington State Department of Ecology consistent with RCW 90.58.090.


Michael Luis, Mayor

Approved as to form:
Bruce Disend, City Attorney

Attest:
Rachel Baker, City Clerk